

NOTICE OF PUBLIC MEETING

May 9, 2013

9:00 a.m.

**Marriott Burbank Airport Hotel
2500 N. Hollywood Way
Burbank, CA 91505
(818) 843-6000**

AGENDA

1. **OPEN SESSION – Call to Order & Establishment of a Quorum**
Francesco Columbu, D.C. Chair
Sergio Azzolino, D.C., Vice Chair
Julie Elginer, Dr.PH, Secretary
Hugh Lubkin, D.C.
Heather Dehn, D.C.
Frank Ruffino
2. **Chair's Report**
3. **Approval of Minutes**
January 31, 2013 Board Meeting
4. **Executive Officer's Report**
 - A. Administration
 - B. Budget
 - C. Licensing
 - D. Enforcement
5. **Ratification of Approved License Applications**
6. **Ratification of Approved Continuing Education Providers**
7. **Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing**
8. **Recommendation to Waive Two Year Requirement to Restore a Cancelled License**
9. **Executive Officer Performance Evaluation Revised Procedure**
10. **Governor's Reorganizational Plan (Board of Chiropractic Examiners' Transition to DCA)**

11. **Pre-Paid Plans for Chiropractic and Adjunctive Services**
12. **Government Affairs Committee Meetings Update** – Board may take action on any item on the attached Government Affairs Committee meeting agendas.
13. **Licensing, Continuing Education and Public Relations Committee Meeting Update** – Board may take action on any item on the attached Licensing, Continuing Education and Public Relations Committee meeting agenda.
14. **Enforcement Committee Meeting Update** – Board may take action on any item on the attached Enforcement Committee meeting agenda.
15. **Proposed Regulations**
 - A. Omnibus Consumer Protection
 - B. Name of Chiropractic Corporation
 - C. Extracorporeal Shock Wave (ECSW) Therapy
16. **Hearings Re: Petition for Reinstatement of Revoked License**
 - A. Ekechi Nwoga
 - B. Anthony Johnson
17. **Hearings Re: Petition for Early Termination of Probation**
 - A. James Amato, D.C.
18. **Public Comment**
19. **Future Agenda Items**
20. **Closed Session**
 - A. Deliberation on Disciplinary Decisions
Pursuant to California Government Code Section 11126(c)(3)
 - B. Pursuant to California Government Code Section 11126(e)
 - 1) Board of Chiropractic Examiners v. Carole M. Arbuckle
Sacramento County Superior Court, Case No. 03AS00948
 - 2) Hugh Lubkin, D.C. v. Board of Chiropractic Examiners
Workers' Compensation Case No. ADJ7361379
21. **OPEN SESSION: Announcements Regarding Closed Session**
22. **Adjournment**

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail marlene.valencia@chiro.ca.gov or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

NOTICE OF PUBLIC MEETING
GOVERNMENT AFFAIRS COMMITTEE

April 5, 2013

12:30 p.m.

**Board of Chiropractic Examiners
2525 Natomas Park Drive
Conference Room, 2nd Floor, Suite 260
Sacramento, CA 95833**

AGENDA

- 1. CALL TO ORDER**
- 2. Approval of Minutes**
January 24, 2013
- 3. Legislative Bill Analysis Training**
- 4. Legislative Update**
 - **AB 186 (Maienschein) – Professions and Vocations: military spouses: temporary licenses**
 - **AB 213 (Logue) – Healing Arts: licensure and certification requirements: military experience**
 - **AB 376 (Donnelly) – Regulations: notice**
 - **AB 393 (Cooley) – Office of Business and Economic Development: Internet Web Site**
 - **AB 555 (Salas) – Professions and vocations: military and veterans**
 - **AB 722 (Lowenthal) – Vehicles: driver's licenses: medical examinations**
 - **AB 1003 (Maienschein) – Professional corporations: healing arts practitioners**
 - **SB176 (Galgiani) – Administrative procedures**
 - **SB 306 (Price) – Healing arts: boards**
 - **SB 381 (Yee) – Healing arts: chiropractic practice**
 - **SB 626 (Beall) – Workers' compensation**
- 5. Board Member Administrative Manual**

6. **BCE Strategic Plan**
7. **PUBLIC COMMENT**
8. **FUTURE AGENDA ITEMS**
9. **ADJOURNMENT**

GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, Dr. PH, Chair
Heather Dehn, D.C.
Frank Ruffino

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

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NOTICE OF TELECONFERENCE
GOVERNMENT AFFAIRS COMMITTEE MEETING

May 7, 2013

1:00 p.m.

**Board of Chiropractic Examiners
2525 Natomas Park Drive
Conference Room, 2nd Floor, Suite 260
Sacramento, CA 95833
(916) 263-5355**

Teleconference Locations with Public Access

Julie Elginer, Dr. PH
Agoura Hills Library
29901 Ladyface Court
Agoura Hills, CA 91301-2582
(818) 889-2278

Frank Ruffino
Office of Community Resources
480 Alta Road
San Diego, CA 92179
(619) 661-8654

Heather Dehn, D.C.
Dehn Chiropractic
4616 El Camino Avenue, Suite B
Sacramento, CA 94821
(916) 488-0202

AGENDA

- 1. CALL TO ORDER**
- 2. Approval of Minutes**
April 5, 2013
- 3. Legislative Update**
 - **AB 186 (Maienschein) – Professions and Vocations: military spouses: temporary licenses**
 - **AB 213 (Logue) – Healing Arts: licensure and certification requirements: military experience**
 - **AB 376 (Donnelly) – Regulations: notice**
 - **AB 393 (Cooley) – Office of Business and Economic Development: Internet Web Site**
 - **AB 512 (Rendon) – Healing arts: licensure exemption**
 - **AB 555 (Salas) – Social Security Numbers**
 - **AB 653 (Perez) – State Government**
 - **AB 722 (Lowenthal) – Vehicles: driver's licenses: medical examinations**

- AB 866(Linder) – Regulations
- AB 1003 (Maienschein) – Professional corporations: healing arts practitioners
- SB 46 (Corbett) – Personal Information: privacy
- SB176 (Galgiani) – Administrative procedures
- SB 306 (Price) – Healing arts: boards
- SB 381 (Yee) – Healing arts: chiropractic practice
- SB 626 (Beall) – Workers' compensation

4. PUBLIC COMMENT

5. FUTURE AGENDA ITEMS

6. ADJOURNMENT

GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, Dr. PH, Chair

Heather Dehn, D.C.

Frank Ruffino

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NOTICE OF TELECONFERENCE
LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS
COMMITTEE MEETING

April 11, 2013
2:00 p.m.
2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355

Teleconference Locations with Public Access

Frank Ruffino
Office of Community Resources
480 Alta Road
San Diego, CA 92179
(619) 661-8654

AGENDA

- 1. Call to Order**
- 2. Continuing Education Audits**
 - A. Continuing Education Audit Purpose
 - B. Policy and Procedures
- 3. Development of Educational Material**
 - A. Continuing Education Requirements Notification
 - B. Other Materials
- 4. Public Comment**
- 5. Future Agenda Items**
- 6. Adjournment**

LICENSING, CONTINUING EDUCATION
& PUBLIC RELATIONS COMMITTEE

Heather Dehn, D.C., Chair
Hugh Lubkin, D.C.
Frank Ruffino

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T (916) 263-5355
F (916) 263-5369
TT/TDD (800) 735-2929
Consumer Complaint Hotline
(866) 543-1311

Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
www.chiro.ca.gov

NOTICE OF TELECONFERENCE – CORRECTED COPY
ENFORCEMENT COMMITTEE MEETING

April 18, 2013

1:00 p.m.

**2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355**

Teleconference Locations with Public Access

Dr. Francesco Columbu, D.C. 2265 Westwood Blvd, Ste A Los Angeles, CA 90064 (310) 234-1160	Dr. Sergio Azzolino, D.C. 1545 Broadway St, Ste 1A San Francisco, CA 94109 (415) 563-3800
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AGENDA

1. **Call to Order**
2. **Approval of Minutes**
January 30, 2013
3. **“Group-On” and other Internet Marketing Sites – Business and Professions Code Section 650**
4. **Chiropractic Specialties – Status of Department of Industrial Relations Qualified Medical Examiner Eligibility Regulations**
5. **Continuation of the Disciplinary Guidelines Review**
6. **Incorporating Citations into the Disciplinary Guidelines**
7. **Public Comment**
8. **Future Agenda Items**
9. **Adjournment**

ENFORCEMENT COMMITTEE

Sergio Azzolino, D.C., Chair
Francesco Columbu, D.C.
Hugh Lubkin, D.C.

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2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
www.chiro.ca.gov

**BOARD OF CHIROPRACTIC EXAMINERS
PUBLIC SESSION MINUTES**

January 31, 2013

State Capitol

First Floor, Senate Committee Room 113
Sacramento, CA 95814

Board Members Present

Hugh Lubkin, D.C., Chair
Heather Dehn, D.C., Vice Chair
Francesco Columbu, D.C., Secretary
Julie Elginer, Dr. PH
Sergio Azzolino, D.C.
Frank Ruffino

Staff Present

Robert Puleo, Executive Officer
Spencer Walker, Attorney III
Linda Shaw, Staff Services Manager
Sandra Walker, Staff Services Manager
Dixie Van Allen, Associate Governmental Program Analyst
Ray Delaney, Management Services Technician
Valerie James, Office Technician

Call to Order

Dr. Lubkin called the meeting to order at 10:01 a.m.

Roll Call

Dr. Columbu called the roll. All members were present.

Chair's Report

Dr. Lubkin reported on recent activities relating to Board matters.

Election of Officers for 2013

A. Chair

MOTION: DR. COLUMBU MOVED TO NOMINATE HIMSELF AS CHAIR

MOTION: DR. DEHN MOVED TO NOMINATE DR. LUBKIN AS CHAIR

Dr. Lubkin and Dr. Columbu spoke on their qualifications as Chair.

VOTE FOR DR. COLUMBU'S NOMINATION AS CHAIR: 4-2

MOTION CARRIED

B. Vice-Chair

MOTION: DR. COLUMBU MOVED TO NOMINATE DR. AZZOLINO AS VICE-CHAIR
MOTION: DR. LUBKIN MOVED TO NOMINATE DR. DEHN AS VICE-CHAIR

Dr. Dehn and Dr. Azzolino spoke on their qualifications as Vice-Chair.

VOTE FOR DR. AZZOLINO'S NOMINATION AS VICE-CHAIR: 4-2
MOTION CARRIED

C. Secretary

MOTION: DR. COLUMBU MOVED TO NOMINATE DR. ELGINER AS SECRETARY
VOTE: 6-0
MOTION CARRIED

Approval of Minutes
December 6, 2013 Board Meeting

MOTION: DR. AZZOLINO MOVED TO APPROVE THE MINUTES
SECOND: DR. ELGINER SECONDED THE MOTION
VOTE: 6-0
MOTION CARRIED

The Board had a discussion to decide the date for the next Board Meeting. The Board agreed to schedule the next Board Meeting on May 9, 2013.

Executive Officer's Report

Mr. Puleo gave the Executive Officer's Report. The topics were Administration, Budget, Licensing, and Enforcement.

The Board moved to Item #17 – Public Comment and Item #11 – Government Affairs Committee Meetings Update

Public Comment

Dr. Laurel Waters, Medical Director of Employment Development Department, gave a presentation to the Board relating to recent changes in State Disability Insurance and new online information.

Government Affairs Committee Meetings Update

Dr. Elginer reported on the recent Government Affairs Committee Meeting.

Dr. Elginer addressed the Board's Strategic Plan and introduced Shelly Menzel and Tom Roy of the Department of Consumer Affairs' (DCA) SOLID unit who will be providing assistance with the development process.

Dr. Elginer discussed the changes made to the Legislative Bill Tracking process and procedures.

MOTION: DR. COLUMBU MOVED TO ADOPT THE CHANGES TO THE LEGISLATIVE BILL TRACKING PROCESS AND PROCEDURE DOCUMENT
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 6-0
MOTION CARRIED

Dr. Elginer discussed the Board Member Administrative Manual and revisions that were made during the Government Affairs Committee Meeting.

The Committee brought forward to the Board a discussion on mail vote ballots. A discussion followed regarding whether a decision should go to the full Board to discuss when only one Board Member requests a hold for discussion.

MOTION: DR. AZZOLINO MOVED TO ADOPT THE CHANGES TO THE BOARD MEMBER ADMINISTRATIVE MANUAL AND SPECIFIED THAT THE MANUAL SHOULD REFLECT THE BOARD'S DECISION TO HOLD A DECISION FOR DISCUSSION IF ONE OR MORE BOARD MEMBERS REQUEST A HOLD
SECOND: DR. ELGINER SECONDED THE MOTION

Dr. Charles Davis, representing the International Chiropractic Association of California, expressed a concern regarding the hold for discussion.

VOTE: 6-0
MOTION CARRIED

Ratification of Approved License Applications

MOTION: DR. RUFFINO MOVED TO RATIFY THE APPROVED LICENSE APPLICATIONS
SECOND: DR. AZZOLINO SECONDED THE MOTION
VOTE: 6-0
MOTION CARRIED

The Board ratified the attached list of approved license applications incorporated herein (Attachment A).

Ratification of Approved Continuing Education Providers

MOTION: DR. LUBKIN MOVED TO RATIFY THE APPROVED CONTINUING EDUCATION PROVIDERS
SECOND: DR. ELGINER SECONDED THE MOTION
VOTE: 6-0
MOTION CARRIED

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment B).

Ratification of Denied License Applications in Which the Applicants Did Not Request a Hearing
None

Ratification to Waive Two Year Requirement to Restore a Canceled License

MOTION: DR. AZZOLINO MOVED TO RATIFY THE RECOMMENDATION TO WAIVE THE TWO YEAR REQUIREMENT TO RESTORE A CANCELED LICENSE

SECOND: DR. DEHN SECONDED THE MOTION

VOTE: 6-0

MOTION CARRIED

The Board ratified the attached list of approved continuing education providers incorporated herein (Attachment C).

Governor's Reorganizational Plan

Dr. Davis addressed his concerns about the Board of Chiropractic Examiners' transition to DCA and suggested that the Board take a neutral position.

Garrett Cuneo commented on the Governor's reorganizational plan item.

Deborah Snow shared her opinion on the reorganizational plan.

Dr. Tracy Cole, President of California Chiropractic Association, suggested the Board seek outside legal opinion on the matter.

The Board had a lengthy discussion.

Awet Kidane, Chief Deputy Director of the DCA, came forward to answer questions.

Enforcement Committee Meeting Update

Dr. Azzolino reported on the recent Enforcement Committee Meeting and stated that the Committee is working on updating the Disciplinary Guidelines.

Implementation of New Laws

A. AB 1588 (Atkins)

Mr. Puleo discussed the details of AB 1588. Mr. Walker clarified that this law would not be applicable to the Board as they are not under the administration of DCA.

B. AB 1904 (Block)

Mr. Puleo discussed the details of AB 1904. Mr. Walker clarified that this law would not be applicable to the Board as they are not under the administration of DCA.

Proposed Regulations

A. Omnibus Consumer Protection

Mr. Puleo stated the proposed regulation has been submitted to the Office of Administrative Law (OAL) and is in the 45-day comment period which ends March 4, 2013.

B. Extracorporeal Shock Wave (ECSW) Therapy

Mr. Puleo announced that staff was finalizing the proposed language.

C. Name of Chiropractic Corporation

Mr. Puleo stated the proposed regulation has been submitted to the OAL and is in the 45-day comment period which ends March 4, 2013.

The Board moved to Item #16 A. – Hearings Re: Early Termination of Probation.

Hearings Re: Petition for Early Termination of Probation

Administrative Law Judge Karen Brandt presided over and Deputy Attorney General Lorrie Yost appeared on behalf of the people of the State of California on the following hearing:

A. Robert Strohbach, D.C.

Hearings Re: Petition for Reinstatement of Revoked License

Administrative Law Judge Karen Brandt presided over and Deputy Attorney General Lorrie Yost appeared on behalf of the people of the State of California on the following hearing:

A. Dong Chang

Hearings Re: Petition for Early Termination of Probation

Administrative Law Judge Karen Brandt presided over and Deputy Attorney General Lorrie Yost appeared on behalf of the people of the State of California on the following hearing:

B. Michael Salomon, D.C.

Closed Session

Following oral testimonies, the Board went into closed session for deliberation and determinations regarding petitioners.

The Board went back into open session, Item #18 – Future Agenda Items

Future Agenda Items

Dr. Azzolino requested for Mr. Walker to research The Joint to determine if it would be considered Corporate Practice.

Dr. Lubkin requested a timeframe on the ECSW language and would like an update at the next Board Meeting.

Dr. Dehn and Dr. Elginer requested to have Groupons advertisements on the agenda at the next Board Meeting.

Adjournment

Dr. Columbu adjourned the meeting at 3:49p.m.

(ATTACHMENT A)

**Approval By Ratification of Formerly Approved License Applications
November 1, 2012 – December 31, 2012**

Name (First, Middle, Last)			Date Issued	DC#
Catherine	Anne	De Lipski	11/9/2012	32459
Saundra	Cobos	Namimatsu	11/9/2012	32460
Krystal	Rose	Perkins	11/9/2012	32461
Craig	Robert	Abrams	11/14/2012	32462
Amanpreet	Singh	Bhathal	11/14/2012	32463
Christian	Benjamin	Brown	11/14/2012	32464
Miguel	Angel	Brambila Castillo	11/14/2012	32465
Alizabeth	Patricia	Ruiz	11/14/2012	32466
Brian	Christopher	Dewey	11/16/2012	32467
Kelila	Ama	Kasim	11/16/2012	32468
James	Alexander	White	11/16/2012	32469
Jameson	Won	Wong	11/20/2012	32470
Nika	Sonia	Bodner	11/30/2012	32471
Nicholas	Lee	Brown	11/30/2012	32472
Brady	Fillmore	Hurst	11/30/2012	32473
Simon		Kohanoff	11/30/2012	32474
Yzeel	Alexander	Orme	12/11/2012	32475
Scott	Mark	Saberniak	12/11/2012	32476
Andrea	Lynn	Schilling	12/11/2012	32477
Eun	Young	Song	12/11/2012	32478
Brad	Robert	Andrews	12/14/2012	32479
Ryan	Michael	Cevola	12/14/2012	32480
Cortney	Lynne	Cline	12/14/2012	32481
Steven	John	Dellisanti, Jr.	12/14/2012	32482
Tracy	Ann	Kleber	12/14/2012	32483
Jonathan	David	Means	12/14/2012	32484
Princeton	Jefferson	Nguyen	12/17/2012	32485
Macy	Chi-Ying	Ng	12/19/2012	32486
Jonathan	David	Simon	12/19/2012	32487
Elizabeth	McEachern	Farrell	12/19/2012	32488
Elmira	Mahin	Aghdam	12/20/2012	32489
Marc	Jason	Anaya	12/20/2012	32490
Jacquelin		Charles	12/20/2012	32491
Austin	Daniel	Davis	12/20/2012	32492

Tommy
Thomas

Lee
Anthony

Wolf
Velickoff

12/28/2012
12/28/2012.

32493
32494

DRAFT

(ATTACHMENT B)

Approval by Ratification of New Continuing Education Providers

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
--	-----------------------------

- | | |
|---|-------------------|
| 1. BALANCED LIFE INSTITUTE_____ | <u>01/10/2013</u> |
| 2. The Institute for Integrative Medicine_____ | <u>01/10/2013</u> |
| 3. LYNNE SULLIVAN_____ | <u>01/10/2013</u> |
| 4. American College of Addictionology & Compulsive Disorders_____ | <u>01/10/2013</u> |
| 5. National Credentialing Council for Healthcare Professionals_____ | <u>01/10/2013</u> |

DRAFT

(ATTACHMENT C)
Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Moore, Scott	22780	May 31, 2012

State Board of Chiropractic Examiners

FY 2012-13

BOARD MEMBERS (7)

Authorized Positions: 19.4

Proposed

Robert Puleo
Executive Officer
620-110-8862-001

Alfonso Ramirez (RA)
Assoc. Gov. Program Analyst
620-110-5393-907

SSM I

Sandra Walker
Compliance Manager
620-110-4800-006

Supervising Special Investigator I

Vacant
Field Investigations Manager
620-110-8549-001

SSM I

Linda Shaw
Admin/Licensing/CE Manager
620-110-4800-008

Compliance Unit

Lavella Matthews
Assoc. Gov. Program Analyst
620-110-5393-002

Christina Bell
Assoc. Gov. Program Analyst
620-110-5393-005

Beckie Rust
Assoc. Gov. Program Analyst
620-110-5393-004

Christina Villanueva
Assoc. Gov. Program Analyst
620-110-5393-800

Julianne Vernon
Staff Services Analyst
620-110-5157-004

Field Operations North

Maria Martinez
Special Investigator
620-110-8612-001

Denise Robertson
Special Investigator
620-110-8612-002

Field Operations South

Yanti Soliman
Special Investigator
620-110-8612-003

Policy/Admin

Dixie Van Allen
Assoc. Gov. Program Analyst
620-110-5393-003

Admin/Licensing

Marlene Valencia
Staff Services Analyst
620-110-5157-008

Tammi Pitto
Staff Services Analyst
620-110-5157-007

Vacant
Management Services Technician
620-110-5278-001

Vacant
Office Technician (T)
620-110-1139-001

Valerie James
Office Technician (T)
620-110-1139-008

Licensing/Continuing Education

Genie Mitsuahara
Staff Services Analyst
620-110-5157-005

Executive Officer Signature

Personnel Analyst Signature

Date

Date

0152 - Board of Chiropractic Examiners

Analysis of Fund Condition

1/7/2012

(Dollars in Thousands)

13-14 Governor's Budget (Galley II)

	Actual PY 2011-12	CY 2012-13	BY 2013-14
BEGINNING BALANCE	\$ 2,568	\$ 2,133	\$ 1,975
Prior Year Adjustment	\$ 23	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,591	\$ 2,133	\$ 1,975
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 146	\$ 132	\$ 141
125700 Other regulatory licenses and permits	\$ -	\$ -	\$ -
125800 Renewal fees	\$ 3,338	\$ 3,284	\$ 3,281
125900 Delinquent fees	\$ 68	\$ 55	\$ 55
150300 Income from surplus money investments	\$ 8	\$ 6	\$ 5
161400 Miscellaneous revenues	\$ 8	\$ 8	\$ 8
161900 Other Revenue - Cost Recoveries	\$ 9	\$ 9	\$ 9
164600 Fines and Forfeitures	\$ 25	\$ 25	\$ 25
Totals, Revenues	\$ 3,602	\$ 3,519	\$ 3,524
Transfers to Other Funds	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 3,602	\$ 3,519	\$ 3,524
Totals, Resources	\$ 6,193	\$ 5,652	\$ 5,499
EXPENDITURES			
Disbursements:			
0840 State Controller (State Operations)	\$ 3	\$ 4	\$ -
8880 Financial Information System for CA (State Operations)	\$ 8	\$ 20	\$ -
8500 Program Expenditures (State Operations)	\$ 3,449	\$ 3,653	\$ 3,816
Chapter 125, Statutes of 2011	\$ 600	\$ -	\$ -
13-14 Fiscal Assessment	\$ -	\$ -	\$ 17
Total Disbursements	\$ 4,060	\$ 3,677	\$ 3,833
FUND BALANCE			
Reserve for economic uncertainties	\$ 2,133	\$ 1,975	\$ 1,666

Months in Reserve

7.0 6.2 5.1

Note: The Board overcollected reimbursements by \$140,000 in FY 11/12. Expenditure savings will increase that balance.

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED
- B. ASSUMES INTEREST RATE AT .3%.
- C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

**BOARD OF CHIROPRACTIC EXAMINERS
LICENSE STATISTICAL DATA**

FY 2011/12 – FY 2012/13 COMPARISON

LICENSE TYPE	TOTAL LICENSES 4/1/2012	TOTAL LICENSES 4/1/2013	NET VARIANCE
CHIROPRACTOR	13,543	13,434	-109
SATELLITES	3,922	3,915	-7
CORPORATIONS	1,305	1,312	+7
REFERRALS	31	31	0
TOTALS	18,801	18,692	-109

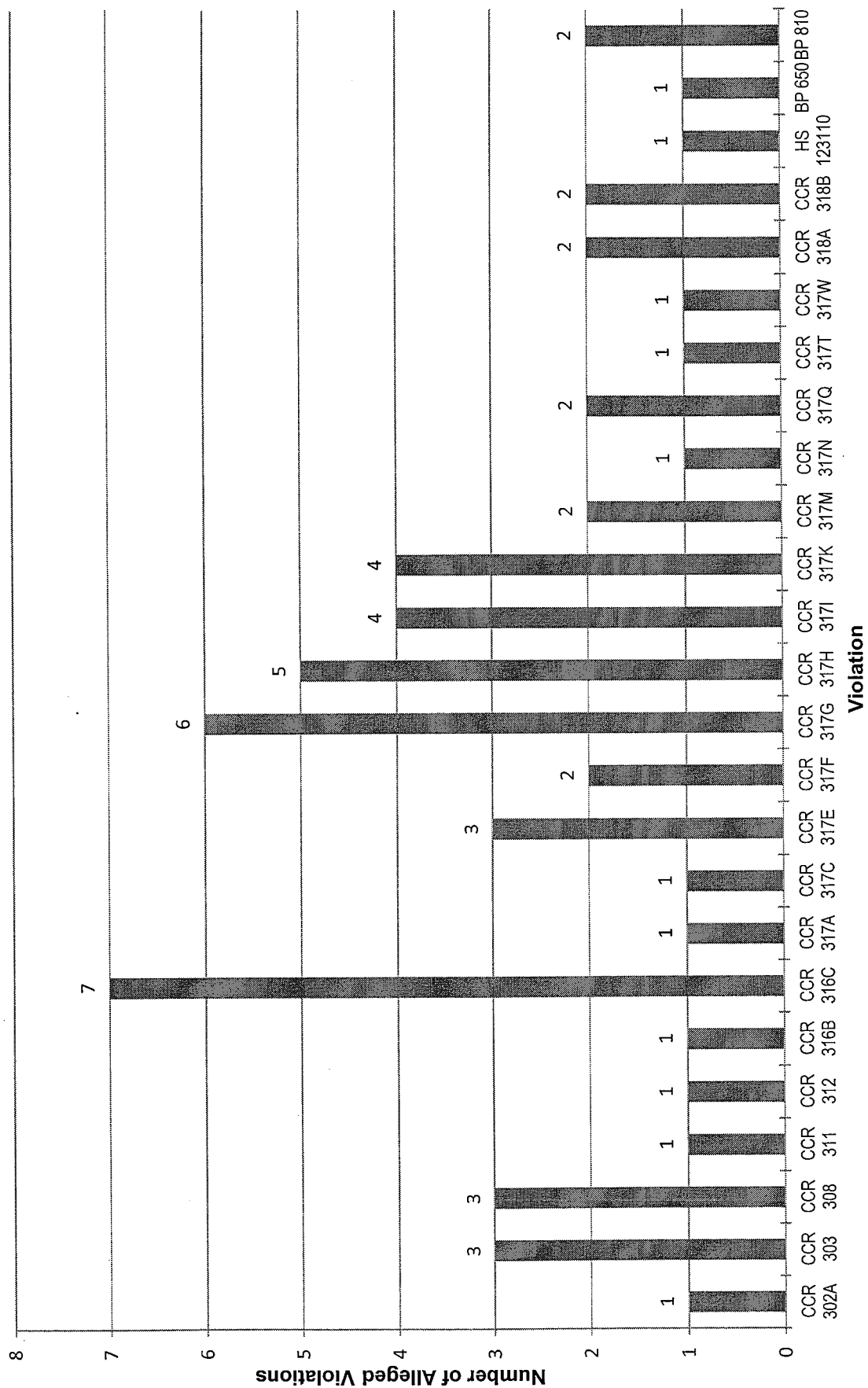
**APPLICATIONS RECEIVED AND PROCESSED
JANUARY 1, 2013 – MARCH 31, 2013**

APPLICATION TYPE	RECEIVED	APPROVED	DENIED	WITHDRAWN	PENDING
INITIAL	108	93	0	0	131
RECIPROCAL	6	1	0	0	11
RESTORATION	51	49	0	0	5
CORPORATION	23	15	0	0	21

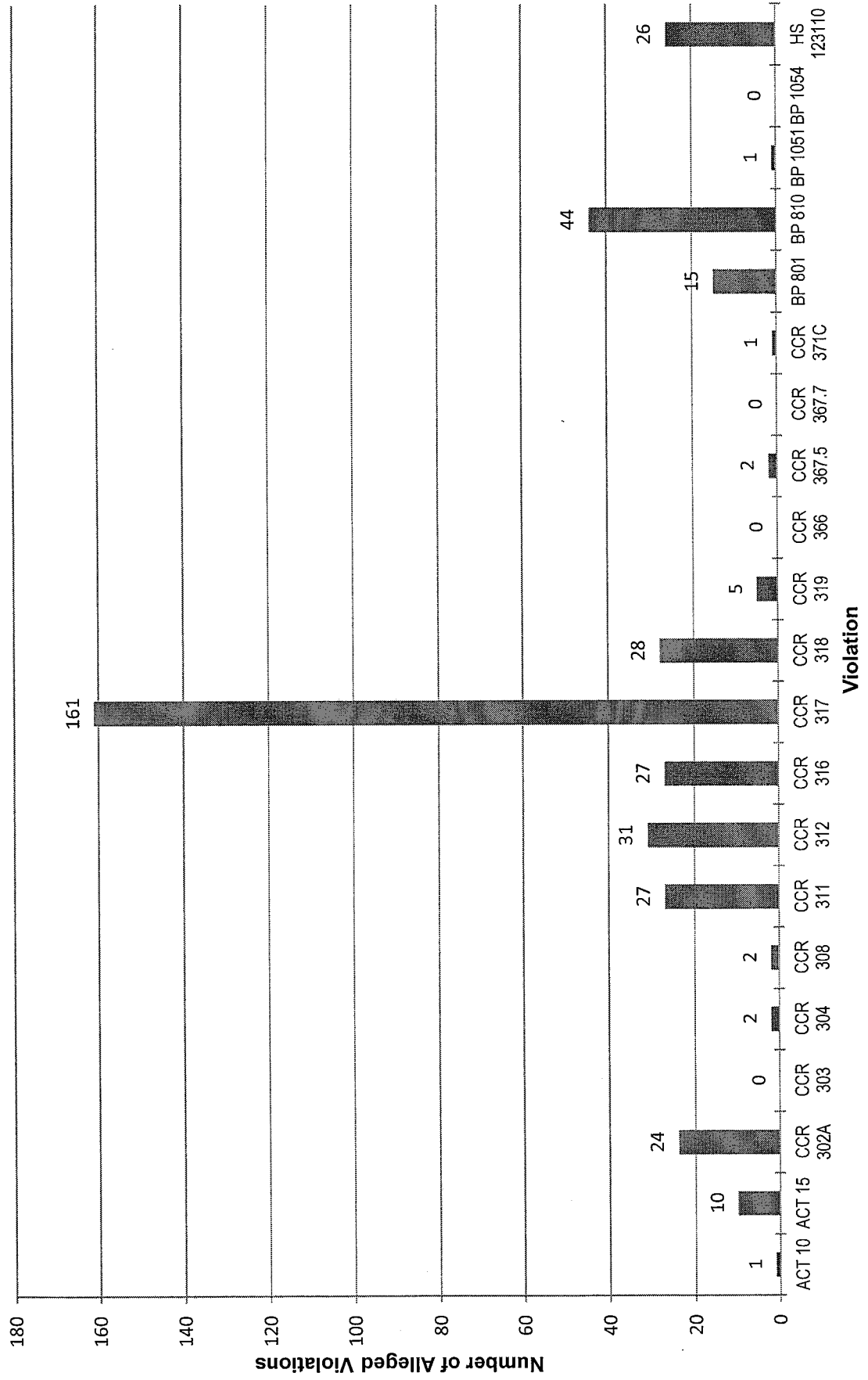
Compliance Unit Statistics

Fiscal Year	08/09	09/10	10/11	11/12	12/13*
<u>Complaints</u>					
Received	655	519	497	391	310
Pending	410	203	137	125	163
Closed with Insufficient Evidence	206	136	96	89	42
Closed with No Violation	223	129	135	93	65
Closed with Merit	275	158	140	120	75
Letter of Admonishment	n/a	5	4	1	1
Citations and Fines Issued (Total Fine Amount)	41(\$19,200)	78(\$25,700)	47(\$12,700)	26(\$37,400)	25(\$13,600)
<u>Accusations</u>					
Filed	64	73	68	41	25
Pending	105	117	130	99	70
Revoked	10	18	17	14	10
Revocation Stayed: Probation	4	20	26	20	28
Revocation Stayed: Suspension and Probation	7	8	9	12	5
Suspension	0	0	0	0	0
Suspension Stayed: Probation	0	1	0	0	0
Suspension and Probation	2	0	0	0	0
Voluntary Surrender of License	2	7	9	7	8
Dismissed/Withdrawn	5	18	10	21	8
<u>Statement of Issues</u>					
Filed	3	3	4	5	1
Denied	1	0	0	0	0
Probationary License	4	7	3	4	3
Withdrawn	0	0	0	0	0
Granted	0	0	1	0	0
<u>Petition for Reconsideration</u>					
Filed	1	3	0	2	4
Granted	0	0	0	0	0
Denied	1	2	0	0	2
<u>Petition for Reinstatement of License</u>					
Filed	13	9	7	7	6
Granted	4	4	2	2	2
Denied	11	11	10	6	3
<u>Petition for Early Termination of Probation</u>					
Filed	6	6	4	1	3
Granted	6	1	2	1	0
Denied	2	2	4	1	0
<u>Petition for Modification of Probation</u>					
Filed	0	0	0	0	0
Granted	0	0	0	0	0
Denied	0	0	0	0	0
<u>Petition by Board to Revoke Probation</u>					
Filed	11	32	13	6	2
Revoked	3	7	2	8	3
<u>Probation Cases</u>					
Active	140	134	138	142	147

Fiscal Year 2012/2013
July 1, 2012- March 31, 2013
Total Number of Accusations Filed- 26
Total Number of Alleged Violations - 58 (An accusation may contain multiple violations)



Fiscal Year 2012/2013
July 1, 2012- March 31, 2013
Total Number of Complaints Opened - 310
Total Number of Alleged Violations - 407 (A complaint may contain multiple violations)



Violation Codes/Descriptions

The Chiropractic Initiative Act of California (ACT):

- 10 – Rules of Professional Conduct
- 15 – Noncompliance With and Violations of Act

California Code of Regulations (CCR):

- 302(a) – Scope of Practice
- 302.5 – Use of Laser
- 303 – Filing of Addresses
- 304 – Discipline by Another State
- 308 – Display of License
- 311 – Advertisements
- 312 – Illegal Practice
- 316 – Responsibility for Conduct on Premises
- 317 – Unprofessional Conduct
- 318 – Chiropractic Patient Records/Accountable Billing
- 319 – Free or Discount Services
- 319.1 – Informed Consent
- 366 – Continuing Education Audits
- 367.5 – Application, Review of Refusal to Approve (corporations)
- 367.7 – Name of Corporation
- 371(c) – Renewal and Restoration

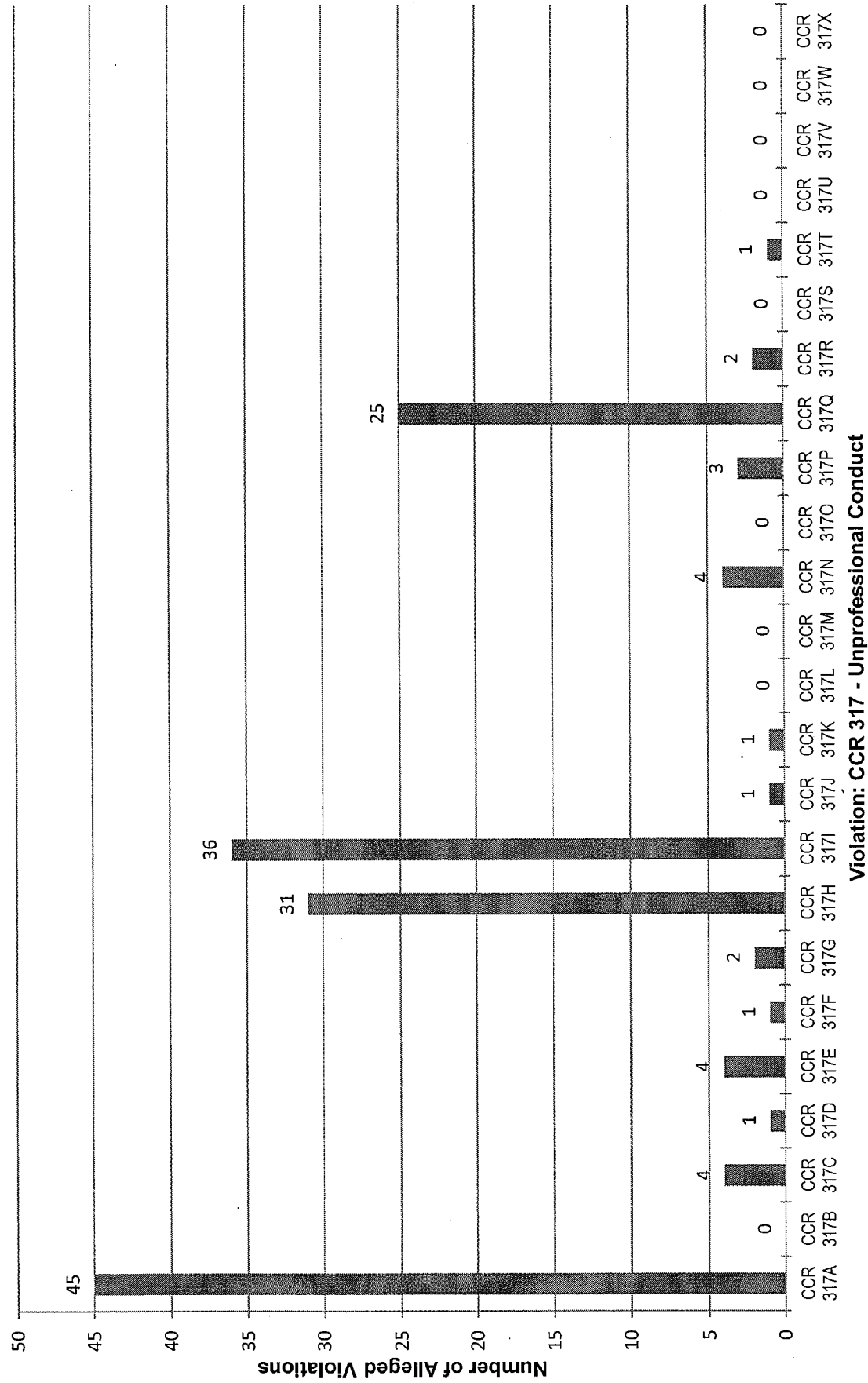
Business and Professions Code (BP):

- 801 – Professional Reporting Requirements (malpractice settlements)
- 810 – Insurance Fraud
- 1051 – Apply for a Corporation with the Board
- 1054 – Name of Chiropractic Corporation

Health and Safety Code (HS):

- 123110 – Patient Access to Health Records

Fiscal Year 2012/2013
July 1, 2012- March 31, 2013
Total Number of Complaints Opened Alleging Violation of CCR 317 - 161
(A complaint may contain multiple violations)



Violation Codes/Descriptions

California Code of Regulations (CCR) Section 317 – Unprofessional Conduct:

- (a) Gross Negligence
- (b) Repeated Negligent Acts
- (c) Incompetence
- (d) Excessive Treatment
- (e) Conduct Endangering Public
- (f) Administering to Oneself Drugs/Alcohol
- (g) Conviction of a Crime Related to Chiropractic Duties
- (h) Conviction of a Crime Involving Moral Turpitude/Physical Violence/etc.
- (i) Conviction of a Crime Involving Drugs or Alcohol
- (j) Dispensing Narcotics/Dangerous Drugs/etc.
- (k) Moral Turpitude/Corruption/etc
- (l) False Representation
- (m) Violation of the ACT/Regulations
- (n) False Statement Given in Connection with an Application for Licensure
- (o) Impersonating an Applicant
- (p) Illegal Advertising related to Violations of Section 17500 BP
- (q) Fraud/Misrepresentation
- (r) Unauthorized Disclosure of Patient Records
- (s) Employment/Use of Cappers or Steerers
- (t) Offer/Receive Compensation for Referral
- (u) Participate in an Illegal Referral Service
- (v) Waiving Deductible or Co-Pay
- (w) Fail to Refer Patient to Physician/Surgeon/etc.
- (x) Offer or Substitution of Spinal Manipulation for Vaccination

MEMORANDUM



Date: April 17, 2013
To: Board Members
From: Robert Puleo 
Executive Officer

Subject: Ratification of Formerly Approved Doctors of Chiropractic for Licensure

This is to request that the Board ratify the attached list of individuals as Doctors of Chiropractic at the May 9, 2013, public meeting.

Between January 1, 2013 and March 31, 2013, staff reviewed and confirmed that the applicants met all statutory and regulatory requirements.

If you have any questions or concerns, please contact me at your earliest opportunity.

Approval By Ratification of Formerly Approved License Applications
January 1, 2013 – March 31, 2013

Name (First, Middle, Last)			Date Issued	DC#
Guadalupe		Pimental	1/11/2013	32495
Adam	Christopher	Sands	1/11/2013	32496
Jhasmin	Ivonne	Santizo	1/11/2013	32497
Yvette		Shahgaldian	1/11/2013	32498
Atherton	Louise	Sorrenti	1/11/2013	32499
Allison	Lynne	Catapano	1/17/2013	32500
Raluca	Alexandra	Duma	1/17/2013	32501
Rachid	Daniel	Faqir	1/17/2013	32502
Kerry	Lynn	Lilley	1/17/2013	32503
Joseph	Frederick	Houde	1/29/2013	32504
Julianne	Soojin	Lee	1/29/2013	32505
Matthew	James	Rice	1/29/2013	32506
Roberto	Castaneda	Rosas	1/29/2013	32507
Jason	Sven	Wersland	1/29/2013	32508
Katherine	Elizabeth	Andrews Murphy	1/31/2013	32509
Harmanjit	Singh	Cherra	1/31/2013	32510
Amanda	Nicole	Doering	1/31/2013	32511
Thu	Ngoc Diem	Nguyen	2/6/2013	32512
Paul	Thomas	Peterson	2/6/2013	32513
Caleb	Daniel	Ridgway	2/6/2013	32514
Jimmy	Rimon	Sayegh	2/6/2013	32515
Ryan	Craig	Smith	2/6/2013	32516
Amy	Catherine	Vevoda	2/6/2013	32517
Bonny	Puikei	Chiu	2/8/2013	32518
Daniella	Renee	Correa	2/8/2013	32519
Ernesto	Diaz	Medina	2/8/2013	32520
Michael	Long	Sen	2/12/2013	32521
Rachel	Erin	Stewart	2/12/2013	32522
William	Michael	Walsh	2/12/2013	32523
David	C	Zeng	2/12/2013	32524
Christina	Diane	Angelos	2/15/2013	32525
Kyle	Patrick	Brooks	2/15/2013	32526
Alec	Brian	Cole	2/15/2013	32527
Karen	Anne	Coscolluela	2/15/2013	32528
Ciro	Roberto	Errico	2/15/2013	32529


Jenny	Marie	Esposito	2/15/2013	32530
William	Erwin	Hofman	2/15/2013	32531
Benjamin	Allen	Horning	2/15/2013	32532
Sang	Thanh	Le	2/15/2013	32533
Reuben	Salvatore	Montemagni	2/15/2013	32534
Daniel		Navas	2/15/2013	32535
Hoon		Park	2/15/2013	32536
Gonzalo	Julio	Perla	2/15/2013	32537
Michael	Joseph	Toka	2/15/2013	32538
Sommer	Ashley Ata	Whaite	2/15/2013	32539
Nicholas	Mark	Williams	2/15/2013	32540
Sarah	Lynn	Woolever	2/15/2013	32541
Stephanie	Marie	Zraggen-Latter	2/15/2013	32542
Megan	Christine	Ackerman	2/22/2013	32543
Shery	Fouad Sabet	Assal	2/22/2013	32544
Renee	Marie	Bartlett	2/22/2013	32545
Richard	Joseph	Bollen	2/22/2013	32546
Nicholas	Carmen	Brock	2/22/2013	32547
Chang		Heo	2/22/2013	32548
Ashley	Louise	Lamb	2/22/2013	32549
Heidi	Lee	Mendenhall	2/22/2013	32550
Heather	Renee	Michie	2/22/2013	32551
Julie	Cristina	Reyes	2/27/2013	32552
Janelle	Leann	Slavik	2/27/2013	32553
Laura	Ann	Walker	2/27/2013	32554
Marcus	David	Waters	2/27/2013	32555
Tabassum	Sajjad	Ali	2/28/2013	32556
Daniel		Cordero	2/28/2013	32557
Anthony	Adam	Gustin	2/28/2013	32558
Yvette	Kathryn	Johnson	2/28/2013	32559
Michael	Scott	Junk	2/28/2013	32560
Benjamin	Eric	Liang	2/28/2013	32561
Meghan	Elizabeth	Miller	2/28/2013	32562
Joseph	Michael	Mograbi	2/28/2013	32563
Carol	Leann	Alonge	3/8/2013	32564
Marlin	David	Derksen	3/8/2013	32565
Jordan	Daniel	Duncan	3/8/2013	32566
Holiday		Sayers	3/8/2013	32567
Hilda		Sobhani	3/8/2013	32568
Nathan	Gabriel	Bunce	3/14/2013	32569
Nathan	John	Campbell	3/14/2013	32570
Joseph	Patrick	Iaccino	3/14/2013	32571
Simon	Yin Lung	Kuang	3/14/2013	32572

Jamie		Mahtaban	3/14/2013	32573
Brian	Patrick	Milligan	3/14/2013	32574
Otra	Lee	Olver	3/18/2013	32575
Hannah	Bich-Hanh	Nguyen	3/19/2013	32576
Karen	Bridget Joanna	Palkovits-Stauber	3/19/2013	32577
Jocelyn	Kiyomi	Thornton	3/19/2013	32578
Erika	Nicole	Ubom	3/19/2013	32579
Evan	Thomas	Weisman	3/19/2013	32580
Elizabeth	Marie	Wisniewski	3/19/2013	32581
Deena	Kristen	Arenas	3/21/2013	32582
Gabriel	Yehuda	Edery	3/21/2013	32583
Christopher	Anthony	Gibson	3/21/2013	32584
Sarah	Elizabeth	Gigliotti	3/21/2013	32585
James		Huang	3/21/2013	32586
Rashad	Riaz	Khan	3/21/2013	32587
Rachel	Rose	Knight	3/21/2013	32588

MEMORANDUM

Date: May 9, 2013

To: BOARD MEMBERS

From: Robert Puleo,  Executive Officer

Subject: Ratification for New Continuing Education Providers

This is to request that the Board ratify the continuing education providers at the public meeting on May 9, 2013.

<u>CONTINUING EDUCATION PROVIDERS</u>	<u>DATE APPROVED</u>
<u>1. The Wise DC, Inc</u>	<u>05/09/13</u>
<u>2. Aaron Newman</u>	<u>05/09/13</u>
<u>3. Rahim Salehmohamed</u>	<u>05/09/13</u>
<u>4. Richard S Cheung, DC</u>	<u>05/09/13</u>
<u>5. Russell Whitten</u>	<u>05/09/13</u>
<u>6. Joseph E Awender, DC</u>	<u>05/09/13</u>
<u>7. HUMANKIND INTERNATIONAL</u>	<u>05/09/13</u>
<u>8. Flex Therapist CEUs</u>	<u>05/09/13</u>
<u>9 DCHours.com</u>	<u>05/09/13</u>
<u>10. Bradley Evan Wolff, DC</u>	<u>05/09/13</u>
<u>11. Lisa C Moore, DC</u>	<u>05/09/13</u>
<u>12. Christopher G Tarrant, DC</u>	<u>05/09/13</u>
<u>13 Jim Naccarato, DC</u>	<u>05/09/13</u>
<u>14.. Matthew Hubbard, DC</u>	<u>05/09/13</u>
<u>15. Free Continuing Education Association</u>	<u>05/09/13</u>
<u>16. Rochelle Neally, Karen Bloch</u>	<u>05/09/13</u>
<u>17. Raj Jackson</u>	<u>05/09/13</u>

Ratification for New Continuing Education Providers
May 9, 2013
Page 2

- | | |
|---|-----------------|
| <u>18. Nicholas Edward Campos, DC</u> | <u>05/09/13</u> |
| <u>19. Phillip Yoo, DC</u> | <u>05/09/13</u> |
| <u>20. Herman & Wallace Pelvic Rehabilitation Institute</u> | <u>05/09/13</u> |
| <u>21. Steven Curtis Hickey, DC</u> | <u>05/09/13</u> |

If you have any questions or concerns, please contact me at your earliest opportunity.

MEMORANDUM



Date: May 2, 2013

To: Board Members

From: Robert Puleo
Executive Officer *RP*

Subject: Ratification of Formerly Denied License Applications

The Board of Chiropractic Examiners (Board) denies licensure to applicants who do not meet all statutory and regulatory requirements for a chiropractic license in California. An applicant has 60-days after the denial is issued to appeal the decision. If the applicant does not submit an appeal to the Board, the denial is upheld.

During January 1, 2013, and March 31, 2013, staff reviewed and confirmed that one (1) applicant did not meet statutory and regulatory requirements for licensure.

The attached is the name of an individual whose license application was denied on February 11, 2013. He did not appeal the decision. This is to recommend that the Board ratify the denial at the May 9, 2013, public meeting.

If you have any questions or concerns, please contact me at your earliest opportunity.

Ratification of Formerly Denied License Applications
Applicants Did Not Submit an Appeal

January 1, 2013 – March 31, 2013

Name (First, Middle, Last)
Reason for Denial

Date Denied

Scherz, Timothy

02/11/2013

Discipline by Another State:

- Minnesota chiropractic license: disciplined resulting in voluntary surrender of license
- Georgia licensing board – licensure denied based on discipline in Minnesota

MEMORANDUM



Date: May 2, 2013

To: Board Members

From: Robert Puleo
Executive Officer

A handwritten signature in dark ink, appearing to be "RP", written over the printed name "Robert Puleo".

Subject: Recommendation to Waive Two Year Requirement on Restoration of a Cancelled License – Chiropractic Initiative Act, Section 10(c)

This is to recommend that the Board waive the two year restoration requirement of a cancelled license for the individuals named on the attached list at the May 9, 2013, public meeting.

Staff reviewed and confirmed that the applicants met all other regulatory requirements for restoration including sufficient continuing education hours.

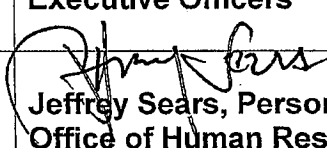
If you have any questions or concerns, please contact me at your earliest opportunity.

Recommendation to Waive Two Year Requirement
on Restoration of a Cancelled License

Name (Last, First MI)	License No.	Cancellation Date
Freeman, Scott	29596	12/31/2012
Just, Shawn	27782	11/30/2012
Omidi, Paymon	17774	11/30/2011
Parsons, Ryan	28908	12/31/2011



MEMORANDUM

DATE	February 14, 2013
TO	Executive Officers
FROM	 Jeffrey Sears, Personnel Officer Office of Human Resources
SUBJECT	EXECUTIVE OFFICER PERFORMANCE EVALUATIONS

The Department of Consumer Affairs (DCA), Office of Administrative Services (OAS), reviewed the current Executive Officer (EO) Performance Evaluation Form, which is used by Boards to conduct their annual evaluation of their EO.

In order to meet Bagley-Keene Open Meeting Act requirements, the previous Executive Officer Performance Evaluation process developed by the DCA Office of Human Resources (OHR) is revised herein. The **Executive Officer Performance Evaluation Form** is attached to this revision, and will also be available on the DCA Intranet.

EO Evaluation Procedures:

A Board evaluating its Executive Officer should use the following procedures:

1. Annually, each Board should provide the EO with a written evaluation of his or her performance. The Board President/Chairperson should contact the DCA OHR to obtain a copy of the **Executive Officer Performance Evaluation Form**.
2. The Board President/Chairperson may request Board staff or OHR send out the **Executive Officer Performance Evaluation Form** to each Board Member to obtain an evaluation of the EO's performance.
3. Board Members should complete the **Executive Officer Performance Evaluation Form**, rating and commenting on the EO's performance in each category the Board Member can evaluate.
4. The Board President/Chairperson can collate all Board Member ratings and comments for discussion. In order not to violate the Open Meeting Act, the Board must discuss the EO ratings and the evaluation only during a properly noticed Board meeting.

EXECUTIVE OFFICER PERFORMANCE EVALUATIONS
February 15, 2013

Evaluations are usually discussed in a closed session under Government Code section 11126(a). Your assigned counsel may assist you during this process, if desired.

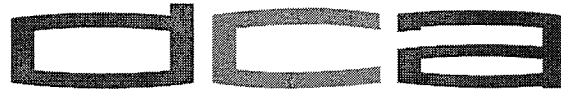
5. After the Board determines the contents of the final **EO Performance Evaluation Form** and any outcome, **it should determine who will meet** with the EO to discuss his/her performance, which must also be in compliance with the Open Meeting Act. When the EO's performance meets or exceeds the expectations of the Board, the Board may authorize a salary increase not to exceed 5%, and, which may not exceed the maximum of the salary range for the exempt level assigned to the EO for that Board. Any increase is reported on the **EO Performance Evaluation Form**. [Note: as of the publication of this memo, the Governor has frozen compensation increases for all exempt employees. Board approved increases will be held in abeyance until this freeze is lifted.]
6. The original **EO Performance Evaluation Form**, signed by both the Board President/Chairperson and the EO, is forwarded to the OHR to be filed in the EO's Official Personnel File. The EO must also receive a final signed copy of the Evaluation.
7. Reporting Board Action at Next Board Meeting. The Open Meeting Act requires that after a closed session where there was an action taken to appoint, employ, or dismiss a public employee, the Board must, during open session at a subsequent public meeting, report that action and the roll call vote, if any was taken. If a Board meeting was held via teleconference, a roll call vote is required, and it will therefore be reported.

DCA recommends this memo be placed on the agenda for the next Board Meeting, and annually thereafter, to ensure all Board Members are aware of the EO Evaluation Process and to provide the Board an opportunity to discuss the process.

If you have any questions regarding this process, please contact your assigned Classification and Pay Analyst at (916) 574-8300.

cc: Denise Brown, Director
Awet Kidane, Chief Deputy Director
Sandra Mayorga, Deputy Director, Office of Administrative Services
Reichel Everhart, Deputy Director, Board/Bureau Relations
Doreathea Johnson, Deputy Director, Legal Affairs
All Board Presidents/Chairpersons

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

PERFORMANCE APPRAISAL

FOR

EXECUTIVE OFFICER

Prepared by
Department of Consumer Affairs
Office of Human Resources
1625 N. Market Blvd. Suite N-321
Sacramento, CA 95834

Revised 1/2013



**Executive Officer
PERFORMANCE APPRAISAL**

BOARD OF _____

Name of EO: _____ **Date of Report:** _____

INSTRUCTIONS

1. The Performance Appraisal process system is based on the principle that performance should be evaluated on a regular basis in order to provide recognition of effective performance and as a tool to provide guidance in improving future performance.
2. The Performance Appraisal may also be used relative to salary issues. For example, if the Executive Officer is not at the maximum range of salary, the Board may empowered grant a salary increase for the Executive Officer. To qualify for such increases, the Executive Officer must meet or exceed performance expectations, as determined by the Board. This form can thus also document the Board's recommendation to grant or deny a salary increase. [Note: As of 2012, the Governor has frozen all salary increases for exempt employees, including Executive Officers. This may be subject to change in the future.]
3. To indicate the rating of any performance factor, an "X" mark should be placed in the appropriate rating column and in the "Overall Rating" column on each page. Additional spaces have been provided to accommodate other critical performance factors identified by the Board.
4. Comments to the Executive Officer should:
 - include factual examples of work especially well or poorly done, and
 - give suggestions as to how performance can be improved.
5. The Overall Ratings must be consistent with the factor ratings and comments, but there is no prescribed formula for computing the overall rating.
6. Overall Comments may consist of a summary of comments from specific categories, general comments or comments on other job-related factors which the rater wishes to discuss. Additional pages may be attached.
7. The Board President/Chairperson will discuss the appraisal with the Executive Officer and give him or her a copy. In signing the appraisal, the Executive Officer merely acknowledges that s/he has seen the appraisal and has discussed it with the rater. His/her signature does not indicate agreement with the ratings or comments.
8. The original copy of the appraisal will be maintained by the Department of Consumer Affairs, in the Executive Officer's Official Personnel File.



EXECUTIVE OFFICER PERFORMANCE APPRAISAL RATING SYSTEM

The rating system consists of five (5) Ratings Categories, as defined below:

Outstanding

Performance significantly exceeds the Board's expectations due to the efforts and ability of the employee when considering the job in its entirety. Significantly above-standard performance may be exhibited by consistently completing assignments in advance of deadlines; implementing plans and/or procedures to increase efficiency or effectiveness of work; working independently with little direction; and consistently meeting Board goals.

Above Average

Performance exceeds the Board's expectations due to the efforts and ability of the Executive Officer when considering the job in its entirety. Performance is beyond what is expected of an Executive Officer in this position.

Average

Performance of the Executive Officer meets the minimum expectations of the Board. The Executive Officer adequately performs the duties and responsibilities of the position.

Needs Improvement

The Executive Officer's performance fails to meet the Board's minimum expectations due to lack of effort and/or ability when considering the job in its entirety. Performance requires improvement in numerous and/or important aspects of the position.

Not Applicable

Rater is unable to assess the Executive Officer in this area, or the area is not applicable to the employee's job.



**Executive Officer
PERFORMANCE APPRAISAL**

OVERALL RATING for

NAME: _____

BOARD OF _____

The overall rating must be consistent with the factor rating and comments, but there is no prescribed formula for computing the overall rating. The rating system is described on page 2.

- ☐ **OUTSTANDING**
- ☐ **ABOVE AVERAGE**
- ☐ **AVERAGE**
- ☐ **NEEDS IMPROVEMENT**

OVERALL COMMENTS *(Attach additional pages, if necessary)*

I HAVE PARTICIPATED IN A DISCUSSION OF OVERALL JOB PERFORMANCE

Signature of
Employee: _____

Date: _____

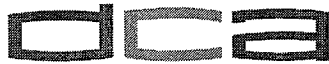
Signature of
Rater: _____

Date: _____

Title: _____

Salary Increase recommendation (if applicable):

☐ No increase _____ % Increase



**Executive Officer
PERFORMANCE APPRAISAL**

Performance Factor		Ratings				
	1. Relationship with the Board	Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Maintains respect and trust of Board members.					
2	Provides Board with advice during consideration of issues.					
3	Keeps Board informed of progress of Board programs on a regular basis.					
4	Remains impartial and treats all Board members in a professional manner.					
5	Functions as effective liaison between Board and Board Staff.					
6	Provides Board with complete, clear, and accurate reports, minutes, etc.					
7	Responds promptly to requests for information.					
8	Is readily available to Board members.					
9	Responds to constructive suggestions or criticism.					
	OVERALL RATING: Relationship with the Board					

Comments: (Attach additional pages, if necessary)

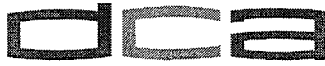
Comments: (Attach additional pages, if necessary)



**Executive Officer
PERFORMANCE APPRAISAL**

Performance Factor		Ratings				
	3. Board Programs	Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Ensures effective and efficient management of enforcement programs.					
2	Keeps Board apprised of enforcement program and process developments.					
3	Maintains security of examination process.					
4	Monitors validity/defensibility of examinations and provides appropriate recommendations for action.					
5	Monitors and identifies trends in candidate qualifications, pass/fail rates, etc.					
6	Resolves problems which arise in the exam process.					
7	Keeps Board apprised of exam program and process developments.					
8	Keeps Board apprised of licensing program and process developments.					
	OVERALL RATING: Board Programs					

Comments: (Attach additional pages, if necessary)

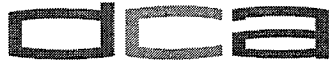


DEPARTMENT OF CONSUMER AFFAIRS

**Executive Officer
PERFORMANCE APPRAISAL**

Performance Factor		Ratings				
	4. Governmental Relations	Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Keeps the Department of Consumer Affairs informed of Board issues, problems, and accomplishments.					
2	Maintains a positive working relationship with other State Agencies.					
3	Manages Board legislative program and efforts.					
4	Manages sunset review process.					
5	Acts a liaison and participates in national organizations, federations or alliances.					
6	Represents the Board before the Legislature.					
	OVERALL RATING: Governmental Relations					

Comments: (Attach additional pages, if necessary)



**Executive Officer
PERFORMANCE APPRAISAL**

Performance Factor		Ratings				
	5. Administrative Functions	Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Plans, organizes and directs Board administrative functions and staff.					
2	Provides oversight, direction and management of the Board's annual budget, expenditures and revenues.					
3	Keeps Board apprised of budget developments.					
4	Identifies, recommends and, as directed, seeks necessary changes to laws and regulations through proposed legislation and/or the OAL.					
5	Ensures compliance and enforcement of departmental, state and federal policies and procedures.					
6	Develops and executes sound personnel practices and procedures.					
	OVERALL RATING: Administrative Functions					

Comments: (Attach additional pages, if necessary)

Executive Officer
PERFORMANCE APPRAISAL

Performance Factor		Ratings				
	6. Public Liaison	Outstanding	Above Average	Average	Needs Improvement	Not Applicable
1	Represents the Board before the public					
2	Directs consumer outreach programs.					
3	Manages Board's public relations effort.					
4	Directs liaison with educational institutions.					
5	Solicits and gives attention to problems and opinions of all groups and individuals.					
6	Represents the Board before industry associations to provide information regarding the Board's laws, regulations, programs and policies.					
	OVERALL RATING: Public Liaison					

Comments: (Attach additional pages, if necessary)

NOTICE OF PUBLIC MEETING
GOVERNMENT AFFAIRS COMMITTEE

April 5, 2013

12:30 p.m.

**Board of Chiropractic Examiners
2525 Natomas Park Drive
Conference Room, 2nd Floor, Suite 260
Sacramento, CA 95833**

AGENDA

- 1. CALL TO ORDER**
- 2. Approval of Minutes**
January 24, 2013
- 3. Legislative Bill Analysis Training**
- 4. Legislative Update**
 - **AB 186 (Maienschein) – Professions and Vocations: military spouses: temporary licenses**
 - **AB 213 (Logue) – Healing Arts: licensure and certification requirements: military experience**
 - **AB 376 (Donnelly) – Regulations: notice**
 - **AB 393 (Cooley) – Office of Business and Economic Development: Internet Web Site**
 - **AB 555 (Salas) – Professions and vocations: military and veterans**
 - **AB 722 (Lowenthal) – Vehicles: driver's licenses: medical examinations**
 - **AB 1003 (Maienschein) – Professional corporations: healing arts practitioners**
 - **SB176 (Galgiani) – Administrative procedures**
 - **SB 306 (Price) – Healing arts: boards**
 - **SB 381 (Yee) – Healing arts: chiropractic practice**
 - **SB 626 (Beall) – Workers' compensation**
- 5. Board Member Administrative Manual**

6. BCE Strategic Plan
7. PUBLIC COMMENT
8. FUTURE AGENDA ITEMS
9. ADJOURNMENT

GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, Dr. PH, Chair
Heather Dehn, D.C.
Frank Ruffino

The Board of Chiropractic Examiners' paramount responsibility is to protect California consumers from the fraudulent, negligent, or incompetent practice of chiropractic care.

A quorum of the Board may be present at the Committee meeting. However, Board members who are not on the committee may observe, but may not participate or vote. Public comments will be taken on agenda items at the time the specific item is raised. The Committee may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail marlene.valencia@chiro.ca.gov or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

Board of Chiropractic Examiners Strategic Plan Schedule



Task		Due Date
Preliminary Meeting	SOLID met with Robert Puleo (Executive Officer), Linda Shaw (Staff Services Manager) and Julie Elginer, Dr. PH (Board Secretary) to gather information about the Board of Chiropractic Examiners and to discuss the strategic planning process.	April 4, 2013
Board Discussion	Robert will discuss the strategic plan timeline with the Board at their May 9 th meeting and inform SOLID of any changes to the schedule.	May 9, 2013
Board Members Email Invitation	SOLID will send you a draft of the email invitation to be sent to Board members in preparation for the individual phone interviews. We usually get the best responses when the email is sent from the Board EO.	May 13, 2013
Board Member Phone Interviews	SOLID will schedule individual phone interviews with Board members. These interviews are 45 minutes to 1 hour in length and will cover the climate of the industry as well as their views on the Board's strategic focus for the upcoming plan.	Interviews scheduled from May 15, 2013 to May 31, 2013
Survey Stakeholders	SOLID will use an online survey at surveymonkey.com to obtain input from your stakeholders. We will send a message with instructions and a link to this survey to the contacts you provide. We will give you the survey announcement for your review by May 17, 2013 .	Survey will be open from May 22, 2013 to June 14, 2013
Board Staff Focus Group	SOLID will facilitate a <u>2-3 hour meeting</u> with your Board staff to discuss internal and external program threats and opportunities as well as gather their views on the Board's strategic focus for the upcoming plan. (Looking at possibility of conducting during this time period. Please let us know dates that work best for your Board staff.)	TBD between June 5-14, 2013
Compiled Results to EO for Review	Upon completion of interviews and surveys, SOLID will compile and analyze the data and produce a trends document to use with our presentation materials. This material will be sent to you for review and approval. The final trends document will be discussed during the Strategic Planning Session.	July 12, 2013
Meeting Handouts	SOLID will email you soft copies of our handouts for the Strategic Planning Session.	July 16, 2013
Strategic Planning Session	SOLID will facilitate the strategic plan development session with Board members and staff. Through discussion our purpose is to highlight recent accomplishments of the Board, review trends identified from the surveys, interviews, focus groups and establish a Vision, Mission, Values, Goals and Objectives for the new plan.	July 25, 2013
Update Strategic Plan	SOLID will use the information gathered at the planning session to update the Board's strategic plan. A comprehensive draft will be sent to you for review by the target due date.	August 30, 2013
Board Adopts Strategic Plan	Strategic plan is adopted at Board Meeting. (Please provide meeting date to help with scheduling Action Planning Session.)	TBD
Action Planning Session	After Board adopts strategic plan, SOLID will facilitate a meeting with Board staff to create an action plan to guide completion of strategic objectives by establishing due dates, identifying major tasks, and assigning responsible parties.	TBD



NOTICE OF TELECONFERENCE
GOVERNMENT AFFAIRS COMMITTEE MEETING

May 7, 2013

1:00 p.m.

**Board of Chiropractic Examiners
2525 Natomas Park Drive
Conference Room, 2nd Floor, Suite 260
Sacramento, CA 95833
(916) 263-5355**

Teleconference Locations with Public Access

Julie Elginer, Dr. PH
Agoura Hills Library
29901 Ladyface Court
Agoura Hills, CA 91301-2582
(818) 889-2278

Frank Ruffino
Office of Community Resources
480 Alta Road
San Diego, CA 92179
(619) 661-8654

Heather Dehn, D.C.
Dehn Chiropractic
4616 El Camino Avenue, Suite B
Sacramento, CA 94821
(916) 488-0202

AGENDA

- 1. CALL TO ORDER**
- 2. Approval of Minutes**
April 5, 2013
- 3. Legislative Update**
 - **AB 186 (Maienschein) – Professions and Vocations: military spouses: temporary licenses**
 - **AB 213 (Logue) – Healing Arts: licensure and certification requirements: military experience**
 - **AB 376 (Donnelly) – Regulations: notice**
 - **AB 393 (Cooley) – Office of Business and Economic Development: Internet Web Site**
 - **AB 512 (Rendon) – Healing arts: licensure exemption**
 - **AB 555 (Salas) – Social Security Numbers**
 - **AB 653 (Perez) – State Government**
 - **AB 722 (Lowenthal) – Vehicles: driver's licenses: medical examinations**

- AB 866(Linder) – Regulations
- AB 1003 (Maienschein) – Professional corporations: healing arts practitioners
- SB 46 (Corbett) – Personal Information: privacy
- SB176 (Galgiani) – Administrative procedures
- SB 306 (Price) – Healing arts: boards
- SB 381 (Yee) – Healing arts: chiropractic practice
- SB 626 (Beall) – Workers' compensation

4. PUBLIC COMMENT
5. FUTURE AGENDA ITEMS
6. ADJOURNMENT

GOVERNMENT AFFAIRS COMMITTEE

Julie Elginer, Dr. PH, Chair
Heather Dehn, D.C.
Frank Ruffino

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The meeting facilities are accessible to individuals with physical disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Marlene Valencia at (916) 263-5355 ext. 5363 or e-mail marlene.valencia@chiro.ca.gov or send a written request to the Board of Chiropractic Examiners, 2525 Natomas Park Drive, Suite 260, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.



State of California
Edmund G. Brown Jr., Governor

Handouts will be provided at Board Meeting

T (916) 263-5355	Board of Chiropractic Examiners
F (916) 263-5369	2525 Natomas Park Drive, Suite 260
TT/TDD (800) 735-2929	Sacramento, California 95833-2931
Consumer Complaint Hotline	www.chiro.ca.gov
(866) 543-1311	

NOTICE OF TELECONFERENCE
LICENSING, CONTINUING EDUCATION & PUBLIC RELATIONS
COMMITTEE MEETING

April 11, 2013

2:00 p.m.

**2525 Natomas Park Drive, Suite 260
Sacramento, CA 95833
(916) 263-5355**

Teleconference Locations with Public Access

Frank Ruffino
Office of Community Resources
480 Alta Road
San Diego, CA 92179
(619) 661-8654

AGENDA

- 1. Call to Order**
- 2. Continuing Education Audits**
 - A. Continuing Education Audit Purpose
 - B. Policy and Procedures
- 3. Development of Educational Material**
 - A. Continuing Education Requirements Notification
 - B. Other Materials
- 4. Public Comment**
- 5. Future Agenda Items**
- 6. Adjournment**

LICENSING, CONTINUING EDUCATION
& PUBLIC RELATIONS COMMITTEE

Heather Dehn, D.C., Chair
Hugh Lubkin, D.C.
Frank Ruffino

Meetings of the Board of Chiropractic Examiners are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. Public comments will be taken on agenda items at the time the specific item is raised. The Board may take action on any item listed on the agenda, unless listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice. For verification of the meeting, call (916) 263-5355 or access the Board's Web Site at www.chiro.ca.gov.

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Board of Chiropractic Examiners
2525 Natomas Park Drive, Suite 260
Sacramento, California 95833-2931
www.chiro.ca.gov



State of California
Edmund G. Brown Jr., Governor

Handout will be provided at Board Meeting

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Consumer Complaint Hotline	www.chiro.ca.gov
(866) 543-1311	



State of California
Edmund G. Brown Jr., Governor

NOTICE OF TELECONFERENCE – CORRECTED COPY
ENFORCEMENT COMMITTEE MEETING

April 18, 2013

1:00 p.m.

2525 Natomas Park Drive, Suite 260

Sacramento, CA 95833

(916) 263-5355

Teleconference Locations with Public Access

Dr. Francesco Columbu, D.C.

2265 Westwood Blvd, Ste A

Los Angeles, CA 90064

(310) 234-1160

Dr. Sergio Azzolino, D.C.

1545 Broadway St, Ste 1A

San Francisco, CA 94109

(415) 563-3800

AGENDA

- 1. Call to Order**
- 2. Approval of Minutes**
January 30, 2013
- 3. “Group-On” and other Internet Marketing Sites – Business and Professions Code Section 650**
- 4. Chiropractic Specialties – Status of Department of Industrial Relations Qualified Medical Examiner Eligibility Regulations**
- 5. Continuation of the Disciplinary Guidelines Review**
- 6. Incorporating Citations into the Disciplinary Guidelines**
- 7. Public Comment**
- 8. Future Agenda Items**
- 9. Adjournment**

ENFORCEMENT COMMITTEE

Sergio Azzolino, D.C., Chair

Francesco Columbu, D.C.

Hugh Lubkin, D.C.

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2525 Natomas Park Drive, Suite 260
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www.chiro.ca.gov

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS

Proposed Omnibus Consumer Protection Regulations

Modified text during the 45-day comment period: Additions are shown in underline.
Deletions are shown in ~~single-strikeout~~.

Proposed Changes to the text based on suggestions received during the 45-day comment period: Proposed additions are shown in **bold, double underline**. Proposed deletions are shown in ~~double-strikeout~~.

§303. Filing of Addresses.

(a) Each person holding a license to practice chiropractic in the State of California under any and all laws administered by the board shall file with the board his or her proper and current place of physical practice address of his principal office and, where appropriate, each and every sub-office satellite office, with the board at its office in Sacramento and shall immediately notify the board at its said office of any and all changes of place of practice address, giving both his old and his new address within 30 days of change. If a licensee does not have a practice address, the licensee may file with the board his or her proper and current residence address. The address provided pursuant to this paragraph shall be public information unless the licensee also submits an alternate address pursuant to paragraph (b).

(b) In addition to the address filed pursuant to paragraph (a), a licensee may designate a post office box number or other alternate address as the address of record that shall be public information.

(c) Each licensee shall report to the board each and every change of address within 30 (thirty) days after each change, giving both the old and new addresses. The change of address shall be submitted in writing and mailed or faxed to the board at its office in Sacramento.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923 p. 1xxxviii)) and Business and Professions Code Section 27.

Reference: Section 1000-10(a), Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923 p. 1xxxviii)) and Section 136 of the Business and Professions Code.

§304. Discipline by Another State Jurisdiction.

~~The revocation, suspension, or other discipline by another state of a license or certificate to practice chiropractic, or any other health care profession for which a license or certificate is required, shall constitute grounds for disciplinary action against a chiropractic licensee or grounds for the denial of chiropractic licensure of an applicant in this state.~~

(a) Any disciplinary action taken against a licensee by another licensing entity or authority of this state or of another state or an agency of the federal government or

province thereof, or the United States Military or a foreign government or any other jurisdiction shall constitute unprofessional conduct.

(b) Disciplinary action is defined as any revocation, suspension, probation, or reprimand of a professional license.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10(a), of the Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)). Reference: Sections 1000-4(b) and 1000-10(a) of the (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) and Sections 141 and 480, Business and Professions Code.

§306.3. Investigators; Authority to Inspect Premises.

The board or its designee may inspect the physical premises of any chiropractic office during regular business hours. Failure by a licensee to allow such an inspection shall be considered as unprofessional conduct.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii). Reference: Sections 1000-4(b), 1000-4(e) and 1000-4(h), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii).

§308. Display of License.

(a) Each person holding a license shall prominently display a their current active license in the entry area or waiting area of their principal place of business a conspicuous place in the licensee's principal office or primary place of practice.

(b) Any licensed ~~D~~doctor of ~~C~~chiropractic with more than one place of practice shall obtain from the Board a Satellite Office Certificate for each additional place of practice. Said certificate must be renewed annually.

(c) A licensed ~~D~~doctor of ~~C~~chiropractic must prominently display in a conspicuous place a current active Satellite Office Certificate in the entry area or waiting area of at the office for which it was issued at all times while treating, examining or evaluating patients at that location.

(d) Notwithstanding subdivisions (b) and (c), any licensed doctor of chiropractic who is practicing in a mobile setting, such as at a health fair, a sporting event, or a patient's home, shall not be required to obtain and display a satellite certificate. However, any licensee practicing in such a mobile setting must at all times carry a current and active pocket license and shall make their pocket license available for inspection to a representative of the Board or any member of the public immediately upon request.

(e) No licensed ~~D~~doctor of ~~C~~chiropractic shall display any chiropractic license, certificate or registration, which is not currently active and valid.

NOTE: Authority cited: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) and Section 104 of the Business and Professions Code.

Reference: Sections 1000-5, 1000-7 and 1000-12, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) and Section 104, Business and Professions Code.

§ 312. Illegal Practice Supervision of Unlicensed Individuals.

~~Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment. An "unlicensed individual" is defined as any person, including a student or graduate of a chiropractic institution, who does not hold a valid California chiropractic license. An exemption is hereby created for students ~~doctors~~ participating in board approved preceptorship programs~~ **sponsored by chiropractic institutions holding status with the Council on Chiropractic Education or seeking such status.**

The licensed doctor of chiropractic shall initially examine and prepare a written treatment plan for a patient prior to the provision of physiotherapy treatment. The unlicensed individual shall follow and provide only the treatment defined in the written plan.

(a) The permitted activities of unlicensed individuals are as follows:

(a1) ~~Unlicensed individuals may take the history of a patient. However, this activity is separate from the consultation which at all times must be conducted by the licensed doctor. The licensed doctor of chiropractic must confirm the history with the patient and determine all appropriate evaluations, imaging, examinations and referrals.~~

(b2) ~~Unlicensed individuals may conduct standard neurological, orthopedic, physical and chiropractic examinations at the direction of the licensed doctor of chiropractic, except they may not perform such examinations which require diagnostic or analytic interpretations nor may they~~ Unlicensed individuals may not render a conclusion either verbally or in writing ~~to a patient~~ regarding the patient's physical condition. ~~As an example, unlicensed individuals may not perform evaluations of heart or lung soundings. Such individuals shall be at all times under the immediate and direct supervision of a licensed Ddoctor of Cchiropractic.~~

~~"Immediate and dDirect supervision"~~ means the licensed ~~Ddoctor of Cchiropractic~~ shall be at all times ~~on the premises~~ present in the same chiropractic facility where the examinations are being conducted. The licensed ~~Ddoctor of Cchiropractic~~ shall be responsible for the verification of the recorded findings and will be solely responsible for rendering a conclusion based on the findings.

(e3) ~~Unlicensed individuals may administer physical~~ physiotherapy treatments as an adjunct to chiropractic adjustment, provided the ~~physical~~ physiotherapy treatment is

conducted under the adequate indirect supervision of a licensed ~~D~~doctor of ~~C~~chiropractic.

Adequate "Indirect supervision" means shall include all of the following:

(1) ~~T~~the licensed doctor of chiropractic shall be present in the same chiropractic facility with the unlicensed individual at least fifty percent of any work week or portion thereof the said individual is on duty unless this requirement has been waived by the board. The licensed doctor of chiropractic shall be readily available to the said individual at all other times for advice, assistance and instruction.

(2) ~~The doctor shall initially examine and prepare a written treatment program for a patient prior to the providing of physical therapy treatment by the unlicensed individual.~~

(3) ~~The doctor shall provide periodic reevaluation of the treatment program and of the individual's performance in relation to the patient. "Periodic reevaluation" shall mean at least once every thirty days the patient is under active care.~~

(4) ~~The doctor shall perform and record an evaluation of the patient and his or her response to treatment at the termination thereof.~~

(~~d~~4) The licensed doctor of chiropractic is responsible for evaluating a radiographic image before any markings are added that obstruct portions of a body part. The licensed doctor of chiropractic may refer the evaluation of radiographic images to a radiologist. Following the licensed doctor of chiropractic's review of the radiograph, the ~~U~~unlicensed individuals may mark X-ray films administered generated by a licensed ~~D~~doctor of ~~C~~chiropractic. "Marking X-rays" is defined as drawing and measuring between reference points and making angular and linear measurements. Unlicensed individuals are not permitted to make any diagnostic conclusions or chiropractic analytical listings,; and ~~t~~The licensed doctor of chiropractic is responsible for any pathological entities covered or obstructed by the markings.

(~~e~~b) ~~Unlicensed individuals may not; administer~~

(1) ~~Generate~~ **Administer** X-rays unless they hold a valid X-ray technician certificate ~~from the issued by the Department of Public Health Services, Radiologic Health Branch,~~ or participate under the direct supervision of a licensed ~~D~~doctor of ~~C~~chiropractic ~~in a as~~ part of a training program approved by that department and set forth in Section 25668.1 of the California Health and Safety Code. This prohibition, set forth in Section 30403 of Title 17 of the California Administrative Code includes the following activities:

(1A) Positioning of patient;

(2B) Setting up of X-ray machines;

(3C) Pushing a button to generate a radiographic beam;

(4D) Developing of films. However, The Department of Public Health Services, Radiologic Health Branch has determined that unlicensed individuals may develop X-ray film if that is their sole radiologic responsibility.

(2) Unlicensed individuals are not permitted to diagnose, analyze, or perform a chiropractic adjustment. All preceptors must be under the direct supervision of a licensed doctor of chiropractic.

(c) Unlicensed individuals who exceed the permitted scope of practice set forth in this regulation shall be in violation of Section 15 of the Chiropractic Initiative Act and shall be prohibited from applying for a California chiropractic license for such time as may be determined by the board. Students ~~doctors~~ participating in board approved preceptorship programs **sponsored by chiropractic institutions holding status with the Council on Chiropractic Education or seeking such status** are not to be considered "unlicensed individuals" when working in said program.

(d) A violation of this section shall constitute unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Section 1000-4(b), of the Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)). Reference: Section 1000-15, of the Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) and Section 25668.1, California Health and Safety Code; Section 30403 of Title 17, California Administrative Code.

§314. Law Violators.

It shall be the duty of every licensee to notify the Executive Officer or his or her designee of any violation of the act and statutes governing the practice of chiropractic, or these rules and regulations, in order that the board may take disciplinary action.

Note: Authority cited: Sections 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii). Reference: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923 p. 1xxxviii).

§317.2. Gag Clauses in Civil Agreements Prohibited.

(a) A licensee shall not include or permit to be included any of the following provisions in an agreement to settle a civil dispute arising from his or her practice, whether the agreement is made before or after the filing of an action:

(1) A provision that prohibits another party to the dispute from contacting or cooperating with the board.

(2) A provision that prohibits another party to the dispute from filing a complaint with the board.

(3) A provision that requires another party to the dispute to attempt to withdraw a complaint he or she has filed with the board.

(b) A violation of this section constitutes unprofessional conduct and may subject the licensee to disciplinary action.

NOTE: Authority cited: Sections 1000-4(b), and 1000-10 (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) and Section 475, Business and Professions Code. Reference: Section 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) and Section 475, Business and Professions Code.

§317.3. Licensee Reporting Requirements.

(a) A licensee shall report any of the following to the board:

(1) The bringing of an indictment or information charging a felony against the licensee.

(2) The conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or misdemeanor.

(3) Any disciplinary action, as defined in section 304.

(b) The report required by this subdivision shall be made in writing within 30 days of the date of the bringing of the indictment or the charging of a felony, ~~the arrest~~, the conviction, or the disciplinary action.

(c) Failure to make a report required by this section shall constitute unprofessional conduct.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)). Reference: Section 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)).

§321.1. Physical or Mental Examination of Applicants.

(a) In addition to any other requirements for licensure, whenever it appears that an applicant for a license may be unable to perform as a chiropractor safely because the applicant's ability to perform may be impaired due to mental illness or physical illness affecting competency, the board may order the applicant to be examined by one or

more physicians and surgeons, chiropractors, or psychologists designated by the board. The board shall pay the full cost of such examination.

(b) An applicant's failure to comply with an order issued under subdivision (a) shall render his or her application incomplete.

(c) The report of the evaluation shall be made available to the applicant.

(d) If after receiving the evaluation report the Board determines that the applicant is unable to safely practice, the Board may deny the application.

NOTE: Authority cited: Sections 1000-4(b) and 1000-4(e), Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)).

Reference: Section 1000-4(b), Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)).

384.1 Petitions for Reinstatement, Reduction of Penalty, or Early Termination of Probation

(a) In petitioning for Reinstatement under Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California, Stats. 1923, p. 1xxxviii) or Reduction of Penalty which would include Early Termination of Probation under Government Code section 11522, the petitioner has the burden of demonstrating any rehabilitative or corrective measures he or she has taken since the revocation or disciplinary action and, that he or she has the necessary and current qualifications and skills to safely engage in the practice of chiropractic within the scope of current law, and accepted standards of practice.

(b) In reaching its determination the Board may consider various factors including the following:

(1) The original violation(s) for which action was taken against the petitioner's license including:

(A) The type, severity, number, and length of violations.

(B) Whether the violation involved intentional, negligent or other unprofessional conduct.

(C). Actual or potential harm to the public, patients, or others.

(D) The length of time since the violation(s) was committed.

(2) Prior disciplinary and criminal actions also taken against the petitioner by the Board, any State, local or Federal agency or court including:

(A) The petitioner's compliance with all terms of probation, parole, previous discipline or other lawfully imposed sanctions including any order of restitution.

(B) Whether the petitioner is currently on or has been terminated from probation or other lawfully imposed sanction.

(C) The petitioner's legal and regulatory history to and since the violation(s).

(3) The petitioner's attitude toward his or her commission of the original violation(s) and his or her attitude in regard to compliance with legal sanctions and rehabilitative efforts.

- (4) The petitioner's documented rehabilitative efforts including:
- (A) Efforts to maintain and/or upgrade professional skills and knowledge through continuing education or other methods.
 - (B) Efforts to establish safeguards to prevent repetition of the original violation(s) including changes or modifications in policies, structure, systems, or methods of behavior applicable to the petitioner's chiropractic practice.
 - (C) Service to community or charitable groups.
 - (D) Voluntary restitution to those affected by the original violation(s).
 - (E) Use of appropriate professional medical or psychotherapeutic treatment.
 - (F) Participation in appropriate self-help and/or rehabilitation groups.
 - (G) Use of appropriate peer review mechanisms.
 - (H) Participation in professional chiropractic organizations or associations.

- (5) Assessment of the petitioner's rehabilitative and corrective efforts including:
- (A) Whether the efforts relate to the original violation(s).
 - (B) The date rehabilitative efforts were initiated.
 - (C) The length, time, and expense associated with rehabilitative efforts or corrective actions.
 - (D) The assessment and recommendations of qualified professionals directly involved in the petitioner's rehabilitative efforts or acting at the request of the Board, including their description of the petitioner's progress and their prognosis of the petitioner's current ability to practice chiropractic.
 - (E) The petitioner's reputation for truth, professional ability and good character since the commission of the original violation(s).
 - (F) The nature and status of ongoing and continuing rehabilitation efforts.
- (c) In addition, the Board may consider other appropriate and relevant matters not listed in the above guidelines.

(d) All statements to be introduced at hearing must be made in person or pursuant to Government Code Section 11514 (evidence by affidavit). All other statements not made in person or pursuant to Government Code Section 11514 must be under oath and will be considered only as administrative hearsay.

(e) A petition for reinstatement shall be submitted on an application form (Form # 09PRRL – Revised 12/2012) prescribed and provided by the board, and titled "Petition for Reinstatement of Revoked License," accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento.

(f) A petition for early termination of probation shall be submitted on an application form (Form # 09PTP – Revised 12/2012) prescribed and provided by the board, and titled "Petition for Early Termination of Probation," accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento.

(g) A petition for reduction of penalty shall be submitted on an application form (Form # 09PRP – Revised 12/2012) prescribed and provided by the board, and titled “Petition for Reduction of Penalty,” accompanied by such evidence, statements, or documents as are therein required, and filed with the board at its office in Sacramento.

(h) A petitioner pursuant to Section 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)) whose license has been revoked or cancelled may not petition the board for reinstatement until two (2) years has elapsed since the effective date of the decision revoking the license or the date the license was cancelled.

NOTE: Authority cited: Sections 1000-4(b) 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)); Section 1003 Business and Professions Code; and Sections 11514 and 11522 Government Code.
Reference: Sections 1000-4(b) and 1000-10(c) Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)).

§390.7. Sexual Contact With Patient.

Except as otherwise provided, any proposed decision or decision issued in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee engaged in any act of sexual contact, as defined in subdivision (c)(3) of Section 729 of the Business and Professions Code, shall contain an order of revocation. A proposed decision shall not contain a stay of the revocation.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)).
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)).

§390.8. Required Actions Against Registered Sex Offenders.

(a) Except as otherwise provided, with regard to an individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code, or the equivalent in another state or territory, under military law, under federal law, or by a foreign government, or any other jurisdiction or province thereof, the board shall be subject to the following requirements:

(1) The board shall deny an application by the individual for licensure in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) If the individual is licensed under Chiropractic Initiative Act, the board shall promptly revoke the license of the individual in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the

Government Code. The board shall not stay the revocation nor place the license on probation.

(3) The board shall not reinstate or reissue the individual's license. The board shall not issue a stay of license denial nor place the license on probation.

(b) This section shall not apply to any of the following:

(1) An individual who has been relieved under Section 290.5 of the Penal Code of his or her duty to register as a sex offender, or whose duty to register has otherwise been formally terminated under California law or the law of the jurisdiction that requires his or her registration as a sex offender, provided, however, that nothing in this paragraph shall prohibit the Board from exercising its discretion to deny or discipline a license under any other provision of state law.

(2) An individual who is required to register as a sex offender pursuant to Section 290 of the Penal Code solely because of a misdemeanor conviction under Section 314 of the Penal Code. However, nothing in this paragraph shall prohibit the healing arts board from exercising its discretion to deny or discipline a license under any other provision of state law based upon the licensee's conviction under Section 314 of the Penal Code.

(3) Any administrative adjudication proceeding under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code that is fully adjudicated prior to [insert effective date]. A petition for reinstatement of a revoked or surrendered license shall be considered a new proceeding for purposes of this paragraph, and the prohibition against reinstating a license to an individual who is required to register as a sex offender shall be applicable.

NOTE: Authority cited: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)).
Reference: Sections 1000-4(b) and 1000-10, Business and Professions Code (Chiropractic Initiative Act of California (Stats. 1923, p. 1xxxviii)).

Comments & Responses

Omnibus Consumer Protection Regulations

45-DAY COMMENTS:

Section 304(a)

Comment 3.1 – Dr. Kendra Holloway, D.C., Director at Life Chiropractic College West (LCCW) asserts that the Initial Statement of Reasons (ISR) does not identify any rationale for expanding the regulation to cover all profession licenses and believes the “chiropractic or any other health care profession” distinction should be restored to the currently proposed language.

Suggested Response 3.1 – Staff disagrees and recommends that the Board reject this comment. The ISR refers to the expansion of license type in general terms, “action taken against a licensee by another licensing entity or authority of an agency...” The reasons for expanding the grounds of prior discipline on the type of license or certificate and jurisdictions are the same. This proposal will provide the Board with access to all prior discipline so that the Board can determine the applicant or licensee’s fitness to practice chiropractic in California.

Section 306.3

Comment 2.1 – Dr. Tracy Cole, D.C., President of the California Chiropractic Association (CCA) is concerned about the lack of due process in the language of this section. There is no guarantee of probable cause for the inspection.

Suggested Response 2.1 – Staff disagrees and recommends that the Board reject this comment. The Board’s paramount responsibility is consumer protection. Inspections are conducted in response to complaints or probation monitoring; therefore, Board investigators are acting within their authority. Further, discipline for violation of this section will be considered on a case by case basis. This authority is needed for licensees who repeatedly ignore Board investigator’s subpoenas, letters, telephone calls and attempts to collect information needed for an investigation.

Comment 2.2 – CCA is concerned about violating the right to privacy of any other occupants of chiropractors who share office space.

Suggested Response 2.2 – Staff disagrees and rejects that the Board reject this comment. The Board has jurisdiction over licensed doctors of chiropractic. As such, Board investigators limit their inspections to investigating violations of the chiropractic statutes and regulations and take the necessary steps of obtaining authorization from a patient when a complaint requires a review of patient records. For that reason, privacy rights of other occupants in the same space would not be violated.

Comment 2.3 – CCA suggests that the Board or its designee should have a search warrant or subpoena issued by a judge in order to consider a doctor of chiropractic guilty of unprofessional conduct for failing to allow the inspection of their office.

Suggested Response 2.3 - Staff disagrees and recommends that the Board reject this comment. The Board’s paramount responsibility is consumer protection. Inspections are

conducted in response to complaints or probation monitoring; therefore, Board investigators are acting within their authority provided in this section. Further, discipline for violation of this section will be considered on a case by case basis. Discipline authority is needed for licensees who repeatedly ignore Board investigator's subpoenas, letters, telephone calls and attempts to collect information needed for an investigation. Board investigators cannot go into a chiropractic office and proceed to look through files, cupboards, rooms, etc. due to HIPAA laws. Most often, inspections consist of an interview with the licensee, a review of a patient's records, and interviews with staff of the licensee. The Board has jurisdiction over licensed doctors of chiropractic and authority to protect the public from violations of the laws and regulations governing their practice; therefore, a warrant or subpoena issued by a judge is not necessary.

Section 308

Comment 3.2 – LCCW asserts that subsection (d) references a "pocket license"; however, no such license exists per section 7 of the Initiative Act which permits the Board to issue "one form of certificate" to be designated "License to Practice Chiropractic". The document obtained at the time of renewal is only a "receipt".

Suggested Response 3.2 – Staff disagrees and recommends that the Board reject this comment. The term "pocket license" refers to a "pocket-sized" certification of licensure which healing arts professionals are issued upon renewal. The pocket license does not impose any restrictions or expansion to the scope of chiropractic, nor does it require any different standards for training. As such, staff does not believe this reference is in conflict with section 7 of the Initiative Act. Rather, healing arts professionals receive "pocket licenses" as a portable certification of licensure to show as proof of licensure when outside their office.

Section 312

Comment 3.3 – LCCW recommends defining the following terms at the beginning of the regulation rather than being interspersed in the regulation: unlicensed individual, direct supervision, indirect supervision, marking X-rays, and preceptorship program.

Suggested Response 3.3 – Staff disagrees and recommends that the Board reject this comment. This recommendation is a style preference and would not provide additional clarity to this provision. These definitions were placed nearest the subsections referring to these terms for clarity. Additionally, staff believes that "marking X-rays" is a self-explanatory phrase which does not require a formal definition. This section is intended to specifically address the supervision required for unlicensed individuals. Finally, students participating in a preceptorship program are exempt from this section; therefore, this is not the proper place for a full definition of this program. However, staff recommends amending the last sentence of subsection (c) to state, "Students electing participating in board approved preceptorship programs sponsored by chiropractic institutions holding status with the Council on Chiropractic Education or seeking such status are not to be considered "unlicensed individuals" when working in said program.", for consistency with CCR section 313 – Inducing Student to Practice Chiropractic.

Comment 3.4 - LCCW recommends separating permitted activities from activities not permitted. Specifically, the first sentence in subsection (a)(2) identifies the examinations an unlicensed individual MAY perform and the second sentence addresses what the unlicensed individual MAY NOT do. Additionally, subsection (a)(4) states that unlicensed individuals MAY

mark X-rays, but are NOT permitted to make diagnostic conclusions or chiropractic analytical listings.

Suggested Response 3.4 – Staff disagrees and recommends that the Board reject this comment. This recommendation is a style preference. Staff believes the proposed format of this regulation adds clarity as the permitted activities and prohibitions identified in these subsections are directly related to each other.

Comment 3.5 – LCCW recommends moving the second paragraph of section 312, beginning with, “The licensed doctor of chiropractic shall initially examine...” to subsection (a)(3) which discusses administration of physiotherapy by unlicensed individuals.

Suggested Response 3.5 – Staff disagrees and recommends that the Board reject this comment. The placement of this paragraph was placed strategically in this proposal to highlight the responsibility of the chiropractor prior to allowing the patient to be treated by an unlicensed individual. The next paragraph, subsection (a), specifically refers to the permitted activities of the unlicensed individual.

Comment 3.6 – LCCW asserts that the term “preceptor” is used incorrectly. Section 312(b)(2) states, “All preceptors must be under the direct supervision of a licensed doctor of chiropractic.” The preceptor *is* the licensed doctor.

Suggested Response 3.6 – Staff agrees and recommends that the Board accept this comment. Staff recommends that this sentence be removed from section 312 and amend subsection (c) to state, “Students ~~doctors~~ participating in board approved preceptorship programs sponsored by chiropractic institutions holding status with the Council on Chiropractic Education or seeking such status are not to be considered “unlicensed individuals” when working in said program.” This section should identify the type of supervision for “unlicensed individuals”. Since students participating in preceptorship programs are not considered “unlicensed individuals”, a full definition and type of supervision should be described in a separate section designated for Preceptorship Programs, rather than in this section.

Comment 3.7 – LCCW states that the term, “preceptorship program” is the term of common usage, not “preceptorship”.

Suggested Response 3.7 – Staff has considered this comment and does not find any usage of “preceptorship” referring to a preceptorship program in the current language or proposed amendments to Section 312.

Comment 3.8 – LCCW states that X-rays are not “generated” by individuals as stated in proposed subsection (b)(1).

Suggested Response 3.8 – Staff agrees and recommends that the Board accept this comment. Staff recommends that the language should be changed to reflect the original term, “administer”.

Comment 3.9 – LCCW asserts that the term “student doctors” in the first paragraph conflicts with Section 15 of the Initiative Act and section 310.2 of the Board’s regulations (Use of Title by Unlicensed Persons), would be more appropriately identified as “chiropractic students”.

Suggested Response 3.9 – Staff agrees that the term “student doctors” is in conflict with the Initiative Act and recommends that the Board accept this comment, in part. Staff recommends that all references to “student doctors” in this section should be changed to “students” for consistency with section 313 – Inducing Student to Practice Chiropractic.

Comment 3.10 – LCCW states that subsection (b)(2) precludes chiropractic students from completing the curriculum requirements of section 331.12.2 because section 312 defines them as “unlicensed individuals”, banning them from evaluating or adjusting their patients.

Suggested Response 3.10 – Staff agrees and recommends that the Board accept this comment. Staff recommends that this sentence should be removed from Section 312 and the last sentence in subparagraph (c) should be amended to state, “Students ~~doctors~~ participating in board approved preceptorship programs sponsored by chiropractic institutions holding status with the Council on Chiropractic Education or seeking such status are not to be considered “unlicensed individuals” when working in said program.”

Comment 3.11 – LCCW suggests that the exemption in subsection 312 be stated as follows: “Students enrolled in a chiropractic degree granting program in this state, or participating in a board approved Preceptor Program are exempt from this section.”

Suggested Response 3.11 – Staff agrees and recommends that the Board accept this comment, in part. This section defines the supervision of unlicensed individuals. Section 313 specifically prohibits students enrolled in a chiropractic degree granting program from working in a chiropractic private office unless they are participating in a preceptorship program sponsored by chiropractic institutions holding status with the Council on Chiropractic Education or seeking such status. Staff recommends that the exemption in the first paragraph of section 312 should be amended to state, “An exemption is hereby created for students ~~doctors~~ participating in board approved preceptorship programs sponsored by chiropractic institutions holding status with the Council on Chiropractic Education or seeking such status.”

Section 317.3

Comment 3.12 - LCCW suggests that the words “the arrest” should be stricken from the proposed language, as it was in prior iterations of these proposed regulations.

Suggested Response 3.12 - Staff agrees and recommends that the Board accept this comment. Staff recommends removing the words, “the arrest”, from subparagraph (b) of proposed Section 317.3.

Section 390.7

Comment 1.1 – Roger Calton, Attorney at Law, Calton Law Group, P.C., asserts that under the proposed regulation, a single finding of “sexual contact” with just one patient would result in automatic revocation of the doctor’s license. This proposal forces the Board to give up its discretion to decide cases based upon the facts of the case; therefore, this section should be removed from the regulatory proposal.

Suggested Response 1.1 – Staff disagrees and recommends that the Board reject this comment. Referencing a standard definition used in law for other healthcare professionals does

not diminish the power of the board; rather, it holds the Board and chiropractors to the same standard as other healthcare professionals when allegations of sexual contact are investigated.

Comment 1.2 – Roger Calton states that the sections under which a chiropractor would be prosecuted (316(c) and 726), there could be a finding of a violation of that section, but without necessarily a “finding of fact” that the licensee engaged in an act of “sexual contact.” Further, because the determination of “sexual contact” involves a conclusion that the doctor’s actions “were for the purpose of sexual arousal, gratification, or abuse”, it is likely that this finding would be a Conclusion of Law, as opposed to a Finding of Fact.

Suggested Response 1.2 – Staff agrees and recommends that the Board accept the comment. “Sexual contact” is defined in law and would most likely be found in the Conclusion of a Proposed Decision, rather than a Finding of Fact; therefore, staff recommends that the Board amend the third line of this section to state, “...Government Code, that contains any finding of fact that the...” This change will be less restrictive on where a finding of “sexual contact” may appear in the Proposed Decision.

Comment 1.3 – Roger Calton questions whether the Board has legal authority, acting through a regulation, to proscribe what punishment an Administrative Law Judge may propose in a Proposed Decision.

Suggested Response 1.3 – Staff has considered this comment. The board has the authority to promulgate regulations requiring any proposed decision issued in accordance with the Administrative Procedure Act (Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code) to contain an order revoking a chiropractic license when there is a finding that a chiropractor has engaged in any act of sexual contact with a patient or has committed an act or been convicted of a sex offense. This is predicated on Government Code sections 11400.20(a) and 11425.50(e). Section 11400.20(a) authorizes an agency to adopt regulations to govern an adjudicative proceeding, and Section 11425.50(e) provides that a **penalty** may not be based on a guideline, criterion, bulletin, manual, instruction, order, **standard of general application** or other rule unless it has been adopted as a regulation.

Comment 1.4 – Roger Calton asserts that the Board’s Disciplinary Guidelines should be amended to reflect higher levels of discipline for specific offenses rather than mandated in a regulation.

Suggested Response 1.4 – Staff disagrees and recommends that the Board reject this comment. Section 11425.50(e) provides that a **penalty** may not be based on a guideline, criterion, bulletin, manual, instruction, order, **standard of general application** or other rule unless it has been adopted as a regulation. The proposed language would require revocation of a license based on a finding that the licensee engaged in any act of sexual contact, as defined in Section 729(c) of the Business and Professions Code. A finding by an Administrative Law Judge (ALJ) would be based on a full investigation by the Board, which in cases involving sexual conduct, generally also involves review by a chiropractic expert. The Board must provide the ALJ with sufficient evidence to support the allegation(s). Subparagraph (c)(3) of BPC Section 729 states, “Sexual contact” means sexual intercourse or the touching of an intimate part of a patient **for the purpose of sexual arousal, gratification, or abuse.**” (emphasis added). The Board has the burden of proving that the intent of the sexual contact was for sexual arousal, gratification, or abuse. Although some chiropractic treatment methods may require touching of intimate parts of the body, the purpose for the touching must be within the

scope of chiropractic. Sexual misconduct is considered as one of the most egregious violations and should be treated as such to demonstrate protection of the public as the Board's highest priority.

Comment 2.4: – CCA believes discipline for sexual contact should be weighed against the factual circumstances surrounding that improper contact and recommends that complaints of sexual contact as defined in section 729 be made subject to the Board's Disciplinary Guidelines and Model Disciplinary Orders (October 2004), which provides for three categories of violations and related recommended discipline based on various factors including intent and egregiousness of the violation, and that a similar provision as section 729(b)(5) be added to the proposed regulation.

Suggested Response 2.4 - Staff disagrees and recommends that the Board reject this comment. The proposed language would require revocation of a license based on any finding that the licensee engaged in any act of sexual contact, as defined in Section 729(c) of the Business and Professions Code. A finding by an Administrative Law Judge (ALJ) would be based on a full investigation by the Board, which in cases involving sexual conduct, generally also involves review by a chiropractic expert. The Board must provide the ALJ with sufficient evidence to support the allegation(s). Subparagraph (c)(3) of BPC Section 729 states, "Sexual contact" means sexual intercourse or the touching of an intimate part of a patient **for the purpose of sexual arousal, gratification, or abuse.**" (emphasis added). The Board has the burden of proving that the intent of the sexual contact was for sexual arousal, gratification, or abuse. Although some chiropractic treatment methods may require touching of intimate parts of the body, the purpose for the touching must be within the scope of chiropractic. Sexual misconduct is considered as one of the most egregious violations and should be treated as such to demonstrate protection of the public as the Board's highest priority.

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS
Proposed Repeal of Name of Corporation

~~§367.7. Name of Corporation.~~

~~(a) The name of the corporation and any name or names under which it may be rendering professional services shall contain and be restricted to the name or the last name of one or more of its present, prospective, or former shareholders, and include the word "Chiropractic," and the word "Corporation" or wording or abbreviations denoting corporate existence, limited to one of the following: "Corp"; "Incorporated"; "Inc."; "Professional Corporation"; "Prof. Corp."~~